



TOWN OF HAYMARKET TOWN COUNCIL

PUBLIC HEARING/REGULAR MEETING

~ MINUTES ~

Chris Coon, Business Manager
<http://www.townofhaymarket.org/>

15000 Washington St
Haymarket, VA 20169

Monday, October 5, 2020

7:00 PM

Council Chambers

A Public Hearing/Regular Meeting of the Mayor and Council of the Town of Haymarket, VA, was held this evening in the Council Chambers, commencing at 7:00 PM.

Mayor Kenneth Luersen called the meeting to order.

I. Call To Order

Councilman Marchant Schneider: Present, Councilman Chris Morris: Present, Councilman Joe Pasanello: Present, Councilman Steve Shannon: Present, Councilman Bob Weir: Present, Vice Mayor TracyLynn Pater: Present, Mayor Kenneth Luersen: Present.

II. Pledge of Allegiance

Mayor Luersen invited everyone to stand for the Pledge of Allegiance.

III. Presentation of Certificate of Excellence

Mayor Luersen invited Charlotte Popelka, a Haymarket area young lady, to the podium so that the Town Council and Prince William County Board of Supervisor Pete Candland could recognize and congratulate her for being chosen by First Lady Melania Trump for her art entry in the Building the Moment: America's youth celebrate the 100th anniversary of the women's suffrage initiative. Mayor Luersen stated that the initiative solicited art work from students grades 3-12 depicting imagery related to the suffrage movement and celebrating the 100th anniversary of the 19th amendment. Mayor Luersen shared that Charlotte's art work was selected to represent the State of Virginia. Mayor Luersen asked Charlotte several questions as how she learned about the initiative and her love for art. At this time, Mayor Luersen, the Town Council, and Supervisor Candland presented Charlotte with a certificate of excellence and a small gift.

IV. Public Hearing Notice and Citizen Comments

Mayor Luersen opened the floor for citizens discussion on the subject of the Cares Act Funds being accepted into the budget. No citizens in attendance wished to address the Town Council on this subject.

V. Public Hearing Adjournment

With no citizen comments, Mayor Luersen closed the public hearing.

VI. Citizens Time

Dottie Leonard, 14801 Washington Street, expressed her concerns about the past couple of Planning Commission meetings. She stated that she felt the Planning Commission liaison from the Town Council has been trying to run the meeting. She also expressed her sadness of not having an invocation at the beginning of the Regular Town Council meetings.

Jim Payne, 6680 Fayette Street, also addressed his concerns on how the Planning Commission meetings were being run. He stated he felt that the Chairman of the Planning Commission had objection on how the meeting was being handled.

VII. Minute Approval

1. Mayor and Council - Work Session - Aug 31, 2020 7:00 PM

Councilman Shannon moved to approve the Work Session minutes from August 31, 2020. The motion was seconded by Councilman Pasanello. The motion carried.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Steve Shannon, Councilman
SECONDER:	Joe Pasanello, Councilman
AYES:	Schneider, Morris, Pasanello, Shannon, Weir, Pater

2. Mayor and Council - Regular Meeting - Sep 8, 2020 7:00 PM
Councilman Pasanello moved to approve the Mayor and Council Regular meeting minutes from September 8, 2020. Councilman Shannon seconded the motion. The motion carried.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Joe Pasanello, Councilman
SECONDER:	Steve Shannon, Councilman
AYES:	Schneider, Morris, Pasanello, Shannon, Weir, Pater

VIII. Agenda Items

1. Consideration of Resolution 2020-018: Budget Amendment

Town Manager Coon shared that this resolution is to accept the Cares Act monies from Prince William County and incorporating those funds into the budget as well as the expense line items. Mr. Coon stated that 2 motions are needed: one for the resolution and the other is for the disbursement plan.

Councilman Pasanello moved that the Haymarket Town Council approve an amendment to the Fiscal Year 2020-2021 as designated on Resolution #2020-018, to appropriate the CARES Act funds line item Revenue and CARES Act Expense line item. The motion was seconded by Councilman Shannon. The motion carried by a roll call vote.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joe Pasanello, Councilman
SECONDER:	Steve Shannon, Councilman
AYES:	Schneider, Morris, Pasanello, Shannon, Weir, Pater

2. Motion to Disbursement of Funds

Councilman Shannon moved that the Town of Haymarket approve the CARES Act Fund disbursement plan as presented. The motion was seconded by Councilman Pasanello. A short discussion followed. The motion carried by a roll call vote.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Steve Shannon, Councilman
SECONDER:	Joe Pasanello, Councilman
AYES:	Schneider, Morris, Pasanello, Shannon, Weir, Pater

3. Bond Release - 6655 6665 and 6675 Fayette Street

Town Planner Lockhart shared that she met with one of the homeowners as a follow up since the previous week Work Session. Ms. Lockhart shared that the homeowner shared that they have had problems with grass growing and also finding debris mixed in the soil. Ms. Lockhart stated that she did a site visit to the property and recommended to postpone the bond release until more information is gathered from the other two properties. Councilman Weir asked for an explanation of the three bonds. Ms. Lockhart provided a description of the bonds. A discussion followed on the conditions of the properties. There was a discussion on releasing the surety bond but delaying the other two bonds. In addition, the Town Council asked to review the photos that were sent from the developer. Ms. Lockhart stated that she would forward the photos and the photos taken from the erosion and sediment inspectors. The developer was asked to the podium for further discussions on the subject of the bonds.

Councilman Weir moved to release the surety bond on 6655, 6665 and 6675 Fayette Street. The motion was seconded by Councilman Morris. Town Manager Coon gave further information on the subject and a discussion followed on the subject. The motion carried.

RESULT:	ADOPTED [5 TO 0]
MOVER:	Bob Weir, Councilman
SECONDER:	Chris Morris, Councilman
AYES:	Schneider, Morris, Pasanello, Shannon, Weir
ABSTAIN:	TracyLynn Pater

4. Motion - Landscaping Bond

The developer asked if the Council would also consider releasing the landscaping bond. Town Planner Lockhart shared that a portion of the landscaping bond is held in escrow to ensure that the landscaping survives.

Councilman Weir moved that the Council defer action on both the landscaping and E & S bonds for 6655, 6665 and 6675 Fayette Street. Councilman Morris seconded the motion. A discussion followed. The motion carried by a roll call vote.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Bob Weir, Councilman
SECONDER:	Chris Morris, Councilman
AYES:	Marchant Schneider, Chris Morris, Joe Pasanello, Bob Weir
NAYS:	Steve Shannon
ABSTAIN:	TracyLynn Pater

5. First Quarter Budget Amendment and Public Hearing Advertisement

Town Treasurer Gonzalez presented a draft of the amended budget with a request from the Town Council to proceed with a public hearing by decreasing the budget by \$119,929. Mr. Gonzalez stated that he will provide a more detailed report prior to the public hearing with the line items affected. Mr. Gonzalez asked for any questions from the Town Council. Councilman Weir, the finance liaison, gave an brief explanation on how the liaisons came up with the reduction in the budget. A discussion followed on the amended budget presented by Mr. Gonzalez.

The Town Council directed the Town Staff to proceed with advertising for a public hearing at their November Regular Meeting.

IX. Liaison Reports

1. Finance Committee

Councilman Pasanello shared that the Finance Committee is all the members of Council and that the finance meeting is the Work Session. A short discussion followed. Town Treasurer Gonzalez stated that he could meet with any Council Member one on one to explain in detail any line item on the budget that they would have questions on.

2. Police Department

Councilman Morris shared that he asked the Chief for a more detailed monthly report. Mr. Morris shared that the Council will be seeing those changes in the Chiefs report.

3. Architectural Review Board

Councilman Schneider stated that he was not able to attend the last Architectural Review Board meeting. He handed the floor over to Town Planner Lockhart for the updates. Ms. Lockhart shared that the ARB considered one COA application. She also shared that the Board discussed the Town's Gateway and Monument signs in addition to looking at the Town possibly purchasing a "LOVE" sign for the Town Park. She also shared that she asked the Board to start and review the ARB guidelines for editing. Mayor Luersen asked that the ARB start a discussion about the brick sidewalk options at their next meeting.

4. Planning Commission

Councilman Weir gave the Planning Commission updates. He stated that there will be a public hearing for an SUP application for a religious assembly on a property on Jefferson Street. Mr. Weir also gave a brief update on the proposed proffer amendment and SUP for the property on Washington Street. He stated that there was a motion to defer the proffer amendment which failed due to no second on the motion. He continued to state that then there was a motion to deny was made and passed. He stated that there will be a public hearing on this as well. Mr.

Weir also shared that there is an SUP attached to the proffer amendment which the Planning Commission deferred until action was taken from the Town Council on the proffer amendment application.

The Town Council directed the Town Staff to advertise the public hearings for both the SUP application for a religious assembly and for the Proffer Amendment application for the November Regular Meeting.

5. Business Roundtable/Planning

Vice Mayor Pater gave an update on the next Business Roundtable meeting and the upcoming trunk or treat event. A short discussion followed on the trunk or treat event.

Mayor Luersen shared that Town Manager Coon is working on a communication plan and asked Vice Mayor to be involved with the communication group that is forming.

X. Department Reports

1. Town Administration Staff Report

Town Manager Coon gave his monthly report. He shared that he has finalized the contract with the Cares Act consultant and has sent the contract to the new IT company. He also shared that November 3 - Election Day is now a State Holiday and that the Town Hall office will be closed. He stated that the information will be in the quarterly newsletter, on the website and on social media. Mr. Coon stated that the Planning Commission vacancy will be posted on the website. Mr. Coon shared that Columbia Gas will be in the Town to finish up the line work on Jefferson Street and anticipates finishing up by the end of the week. Mr. Coon stated that once that work is done, the sidewalk project on Jefferson Street should be finished shortly after that. Lastly, Mr. Coon asked the Town Engineer to be at this evening's meeting to answer any questions the Council may have in regards to the hotel plans.

Mayor Luersen complimented Town Planner Lockhart on the work done to the quarterly newsletter. He stated that the communication plan has been his focus and getting information out to the citizens. He stated that the newsletter helps accomplish his vision with communicating to the citizens and to promote Town activities.

There was a short discussion on the Planning Commission vacancy. The consensus was for the Town Council to seek out to fill the vacancy.

There was a discussion on amending the Town Ordinance particularly on the subjects of food trucks, short term rentals such as airbnb's, and defining TOT taxes for airbnb's. After the discussion, the Town Council directed to have the short term rental and TOT related item added to the next month's work session for further discussion.

There were status update questions on the IT contract and the status of the crosswalks re-installation.

The Town Council had a discussion with the Town Attorney and Town Engineer on the utility relocations and agreements between the Town and Haymarket Hotel Venture. Town Attorney Crim gave a brief update on previous meetings between previous Town Council and Haymarket Hotel Venture. A lengthy discussion followed on the subjects of the turn lane and the utility relocation. There was also a discussion about setting up a meeting with Haymarket Hotel Venture so that further questions can be asked. A suggestion was made to have 2 representatives from the Town Council meet with the group from Haymarket Hotel Venture to further discuss the subject. No further directive was given.

2. Police Chief Report

Police Chief Lands presented the new report as requested by the Town Council. Chief Lands asked for Town Council opinion on the new reports. In general, the Town Council approved of the Chiefs new reports. There were specific questions to the report. Chief Lands also asked for direction from the Town Council on switching vehicles around in order to keep the mileage about equal. There was a discussion on the subject. There was a directive for the Chief to get the numbers together and bring back at a future meeting.

There was a question about obtaining the data collection from the speed signs at the edge of Town. Chief Lands stated that he could get some of the information that was in the discussion and bring the data to the Town Council at the next meeting.

Police Chief Lands shared with the Town Council that one of his officers gave notice and is leaving the department. He shared that notice of resignation from Office Coire O'Neal with the Town Council effective October 16th. Chief Lands asked for guidance from the Town Council to

advertise the position. A discussion followed on the size of the force in the coming year. There was a consensus of the Town Council to proceed with running the ad.

3. Town Treasurer Report

Town Treasurer Gonzalez shared that the real estate tax invoices have been printed and will be mailed out within the week. Mr. Gonzalez also shared that he is preparing for the annual audit that will be taking place in November. Mr. Gonzalez shared that The Fauquier Bank has merged with Virginia National Bank. He stated that this will effect the Town of Haymarket accounts since they were just moved from Sona Bank to TFB. He stated that not much is know about the merger at this point but that he would bring any updates to the Town Council as they become available to him.

Mr. Gonzalez went over the actual budget report that was presented at the previous work session with some current updates. Mr. Gonzalez suggested going forward that he presents actual reports reflecting the closest date to each meeting. The Town Council was agreeable to Mr. Gonzalez's suggestion.

There were no questions for Mr. Gonzalez on his reports.

4. Town Planner Report

Town Planner Lockhart shared her written report with the Town Council. In addition to the report, Ms. Lockhart shared that the office has received two additional one mile reviews from the County. She stated that she will be sending an email to the Town Council and Planning Commission for comments.

Ms. Lockhart also shared that she is working with the contractor for the Pardo House and will have them at the next ARB meeting.

Ms. Lockhart stated that she has ordered more signs notifying the public to all meetings, including ARB, Planning Commission and Public Hearings. She also shared that pre-sales for the 2020 Christmas ornaments will start this week.

Ms. Lockhart also shared that she has sent out violation notices on overgrown grass.

There was a short discussion on the one mile review.

There was also a question on the amount of trucks parked at the Food Lion parking lot. Ms. Lockhart stated that she will check on the subject.

Ms. Lockhart shared with the Town Council that McDonald's will be coming with new site plans to close the front entrance. She stated that she is in communication with them to get the site plans resubmitted.

Mayor Luersen suggested that since the ARB is made up of primarily new members, make sure Councilman Schneider is present when the representatives from the Pardo House comes to the meeting since Mr. Schneider is familiar with the project.

5. Town Engineer Report

Town Engineer McDaniel was available to answer any questions from the Town Council on her report. There was questions about the Aroma II landscaping buffers. Town Planner Lockhart stated that the landscaping buffers will be going back to the ARB for review.

There was a short discussion on the Karter School that is being built on Washington Street.

6. Town Attorney Report

Town Attorney Crim shared with the Town Council that the Town received a Right of First Offer Notice from Haymarket Property Group. Mr. Crim shared that he spoke the HPG's attorney regarding the offer of \$7.5 million asking price and how they came up with that number. Mr. Crim stated that the attorney stated that HPG would be listing the property for sale at the price of \$7.5 million if the Town does not accept the Right of First Offer. Mr. Crim stated that he would like to finish discussing the subject in closed session. Mr. Crim gave a short explanation on the term of the Right of First Offer and the details outlined in the proffer amendment.

Town Attorney Crim also addressed the questions raised on the TOT tax percentages that was established through an ordinance in spring 2020. He stated that State Code permits a 7% tax. He stated although the code defines in detail the breakdown of percentages reflective to Counties and Cities but not Towns. He stated that Towns does not have any limitations on the amount that they can charge. He stated however that the Town adopted an ordinance breaking down the percentages prior to sign the MOU with the hotel.

XI. Councilmember Time

1. Marchant Schneider

Councilman Schneider did not have any additional comments.

2. Joe Pasanello

Councilman Pasanello did not any additional comments.

3. Tracy Lynn Pater

Vice Mayor did not have any additional comments.

4. Steve Shannon

Councilman Shannon thanked the Finance Liaisons for their detailed explanations on the budget. Councilman Shannon wished Officer O'Neale luck on his next endeavors.

5. Chris Morris

Councilman Morris complimented and thanked Chief Lands and Town Manager Coon on the work the staff has done in the past three months.

6. Bob Weir

Councilman Weir did not have any additional comments.

7. Ken Luersen

Mayor Luersen asked Town Manager Coon to share with everyone that NOVANT health asked for a proclamation for Breast Cancer Awareness Month and that the Town usually lights up the museum pink. He stated that this request came in too late for the proclamation but the museum will be lit pink.

Mayor Luersen reminded everyone about the Mayors walk scheduled for the second Saturday of each month.

XII. Closed Session

1. Closed Session

Councilman Weir moved to go into Closed Session Pursuant to VA. Code § 2.2-3711 (A)(3) and (A)(8): the potential acquisition of real property and legal matters requiring advice of counsel; both of those specifically relating to the QBE property and the Right of First Offer Notice. The motion was seconded by Councilman Pasanello. The motion carried.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bob Weir, Councilman
SECONDER:	Joe Pasanello, Councilman
AYES:	Schneider, Morris, Pasanello, Shannon, Weir, Pater

2. Certification

Councilman Weir moved to certify that, to each members knowledge, only those matter lawfully exempted from open meeting under the provisions of the Virginia Freedom of Information Act and only those items that were identified in the motion leading to the closed session was heard, considered or discussed by the Town Council. The motion was seconded by Councilman Pasanello. The motion carried by a roll call vote.

After the certification, the Town Council instructed the Town Attorney to proceed as directed.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bob Weir, Councilman
SECONDER:	Joe Pasanello, Councilman
AYES:	Schneider, Morris, Pasanello, Shannon, Weir, Pater, Luersen

XIII. Adjournment

With no further business before the Town Council, Councilman Pasanello moved to adjourn with a second by Councilman Weir. The motion carried.

1. Motion to Adjourn

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joe Pasanello, Councilman
SECONDER:	Bob Weir, Councilman
AYES:	Schneider, Morris, Pasanello, Shannon, Weir, Pater

Submitted:

Approved:



Kim Henry, Clerk of the Council



Ken Luersen, Mayor

