



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING ~ Minutes ~

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

15000 Washington St
Haymarket, VA 20169

Monday, January 7, 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 7:04 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. Minutes Acceptance

A. Mayor & Council - Special Meeting - Dec 13, 2012 7:00 PM

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

4. Citizen's Time

John Cole - 6757 Fayette Street

Construction in Gainesville is coming along, which means when the grade separation is complete we can start the Train Horn Quiet Zone process. Vice Mayor Tobias suggests that Marchant Schneider, Town Planner take the lead on this matter.

Ken Schick - 14780 Jordan Lane

There is a pond where the power company has done some work and it will not drain properly since the work was performed.

A. Laurie Frasz

Vice Mayor Tobias asks that the letter from Ms. Frasz be entered into the record

5. Agenda Items

A. Uncollectible Monies

The Town Council authorizes the CPA, auditor, and tax collector to write-off an amount of \$3869.46 as uncollectible debt, pursuant to recognized accounting practices and federal and state laws. This amount is deemed uncollectible due to the longevity of the debt, entry error, and the nature of smaller invoices which would not be ripe for collection actions.

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

B. Villages of Haymarket Phase II

Motion that the Town Council approves FSP#20121130, Villages of Haymarket - Phase II, Subdivision/Site Plan, prepared by the KDL Group, LLC, dated January 20, 2012, sealed November 29, 2012, BUT EXPRESSLY CONDITIONED UPON THE FOLLOWING:

1. Recordation of a Storm water 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) storm water facilities to be installed in conjunction with the development of the subject property; and,
2. Recordation of an Agreement regarding the installation of off-site landscape improvements identified on Sheet 18 of the Subdivision / Site Plan; and,
3. The Applicant shall demonstrate compliance with Zoning Ordinance Section 58-718, requiring a minimum horizontal illumination of 0.4 foot-candle be provided along public and private streets in residential subdivisions and a minimum horizontal illumination of 0.6 foot-candle be provided at public and private intersection, at the time of Architecture Review Board (ARB) review of the buildings and structures (including the lot lamp posts) associated with the Subdivision / Site Plan; and,
4. The Applicant shall provide a future construction escrow in the amount of \$10,000 for construction by others of street widening and streetscape improvements along Washington Street. Such escrow is to be paid at the time of construction bonding for the Subdivision / Site Plan; and,
5. Payment of all costs, fees and expenses due the Town.

It is further moved that the Town Council approve the subdivision plat titled "Villages of Haymarket - Phase II", prepared by the KDL Group, LLC, dated May 2012, sealed November 30, 2012, and its associated Deed of Dedication, Subdivision, Easement, Supplementary Declaration and Vacation, 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

C. Historic District

Bob Weir, Chair of the Planning Commission has a presentation regarding the requirements of becoming a Certified Local Government (CLG). The Planning Commission recommends that if the Town Council is interested in pursuing the CLG status that first we must deal with reducing the historic district boundaries. The Town's entire boundaries are the historic district boundaries. Mr. Weir presents a slide show of other CLG's that all have a much small historic district than their Town or City boundaries.

D. Virginia Stormwater Management Program (VSMP) Authority Holly Montague, Town Engineer

Virginia has enacted legislation that will require municipalities to have their own Virginia Stormwater Management Program and become their own VSMP authority. There are time lines associated with enacting, however, we are not an MS4 Town, we have the option of saying we don't want to manage our own program, we want the County to manage it for us. DCR has not concentrated on non MS4 Towns and are encouraging the Town to apply for a one year extension.

Ms. Montague is asking for a directive to apply for a one year extension so that a more informed decision can be made at a later date.

E. Intent to Amend Section 30-8 Discharging Firearm or Pneumatic Guns

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, TOWN OF HAYMARKET, VIRGINIA (2004), AS AMENDED, BY AMENDING SECTION 30-8, RELATING GENERALLY TO DISCHARGING FIREARM OR PNEUMATIC GUNS.

That Section 30-8 of the Code of Ordinances, Town of Haymarket (2004), as amended, is amended, as follows:

Sec. 30-8 - Discharging fire arms, pneumatic guns, sling shots, grit shooters, bows and arrows, etc..

(a) If any person shall willfully discharge or cause to be discharged any firearm in the town, he shall be guilty of a class 1 misdemeanor. This section shall not apply to any law enforcement officer in the performance of his official duties nor to any other person whose willful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law. The term "firearm" means any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material; or the frame or receiver of any such weapon.

(b) No person shall discharge or use in the town any non-explosive weapon defined as a pneumatic gun (e.g. paintball gun, BB gun, pellet gun, etc.), slingshot, grit shooter, bow and arrow, or any other non-explosive device designed or intended to be used to launch or shoot projectiles, where such discharge or use is likely to do or cause injury to any person or property. Notwithstanding anything to the contrary, the use of non-explosive weapons by adults, minors under the age of 16 with the supervision of a parent or guardian, or minors over the age of 16 with the written consent of a parent or guardian shall not be prohibited at facilities approved for shooting ranges, on other property where firearms may be lawfully discharged, or on or within private property with permission of the owner or legal possessor thereof when conducted with reasonable care to prevent a projectile from causing injury to any person or property.

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

F. Public Hearing for a request for exception to the zoning ordinance

The Town Council instructs the Clerk to advertise a public hearing for a request of waiver to the zoning ordinance for underground utilities at 15020 Washington Street, Old Post Office building.

6. Appropriations

A. Bull Run Middle School PTO Request of Proffer Funds

Tobias asks for what is the best method of distribution of the funds. Town Attorney recommends that we pay the PTO's directly.

Motion to appropriate \$20,244 to Buckland Mills Elementary School PTO, Tyler Elementary School PTO, Ronald Reagan Middle School PTSO and Bull Run Middle PTSO each of the with the condition that upon receipt of goods as indicated in their proposals to the Town, they will supply the Town with sufficient evidence of purchase

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

B. Buckland Mills PTO Request of Proffer Funds

C. Tyler PTO Request of Proffer Funds

D. Reagan Middle School PTO Request of Proffer Funds

E. PWC School's Request for Proffer Funds

F. Erosion & Sediment Control Inspection Services

Motion to authorize the Town Attorney to enter into negotiations to retain Soil Consultants, Inc. For erosion and sediment control inspection services

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

G. Quarterly Appropriations

Authorize the appropriation of the 3rd quarter expenditures in the following amounts: Events: \$1,875; Museum: \$1,715.71; Operating: \$77,820.80; Public Safety: \$24,448.50; Public Works: \$32,372.25; Staff Wages & Benefits: \$190,744.50; Town Owned Property: \$86,418.50

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

H. Authorize the appropriation of funds for Streetscape Expenditures

Motions to appropriate \$2,500 from the Street Scape Expenditures line item for payment of legal services from Robert Dively

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

7. Department Reports**A. Police Report - James E. Roop**

Deputy Greg Breeden announces that we have a new officer, Jason Davis. His start date is today.

B. Museum Report - FrannMarie Jacinto**C. Treasurer's Report****D. Town Engineer's Report - Holly Montague, Town Engineer****E. Town Planner's Report****8. Citizens' Time II**

Alex Czajkowski- Owner of Total Turf Sports

He is here asking for temporary use of Mr. Durham's building located at 15161 Washington Street

As a representative of Ronald Reagan Middle School, Michelle Baker says thank you to the Council for the funds that were appropriated tonight.

Kara Gallagher, Secretary Tyler PTO and a resident of the Town thanks the Town Council for their contribution this evening.

9. Closed Session**A. Closed Session**

Motion to enter into closed session pursuant to 2.2-3711 A(1) Town Manager position, Building Official position, and Assistant Clerk position; 2.2-3711 A(3) Lease negotiations with White Oak School & Villages of Haymarket Site/Subdivision Plan; and 2.2-3711 A

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

B. Certification of Closed Session

Motion to certify that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body

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

C. Council Directives

Directive to Town Clerk to advertise for our open vacant town manager position, to advertise in whichever form she sees fit....

Directive to the Town Attorney to enter into lease negotiations with White Oak School, as discussed in closed session

Directive to the Town Attorney to work with staff to communicate with the tenant, Daytime Playtime and explain to them what our requirements are for early lease termination, effective January 15, 2013. The proposed settlement should exclude any late fees or penalty amounts that have been charged previously.

Direct staff to advise the vendor, Gossom and Costello Paving, that Council does not see it necessary, based on staff's arguments to extend an additional \$180 payment to hang the Town wreaths and banners. Our basis for that is it took considerable less time last year and the job was exactly the same this year; we don't understand the added cost therefore we don't believe we should be responsible for it.

Direct staff to come up with a list of jobs and/or chores that a public works department would be in charge of, for instance minor snow plowing, hanging Town decorations, minor maintenance needs that the Town has in the past contracted with a local company and put that together for councils review, via email with the intent of advertising for that to become a contractual obligation with the Town.

Direct Town Attorney to issue a cease and desist order as well as file a formal order of complaint with the trademark attorney's office with regard to pending trademarks that could interfere with our trademark of Haymarket day.

Directive for building inspection service as well as Erosion & Sediment Control inspection services. Negotiate with Lisa for building inspection services

Financial auditor, cursory yet detailed financial review of the Town's books from July 1, 2012 to December 31, 2012

For the record: the application was received today, also for the record, we have been in discussion with this applicant

10. Councilmember Time

- A. Steve Aitken
- B. Rebecca Bare
- C. Katherine Harnest
- D. Mary Lou Scarbrough
- E. Milt Kenworthy
- F. James Tobias
- Tobias recommends that direct staff can feel free to communicate that to any council member
- G. David Leake

11. Adjournment