



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING ~ MINUTES ~

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

15000 Washington St
Haymarket, VA 20169

Monday, March 7, 2016

5:00 PM

Council Chambers

A Regular Meeting of the Mayor and Council of the Town of Haymarket, VA, was held this evening in the Board Room, Commencing at 5:00 PM

Mayor David Leake called the meeting to order.

1. Call to Order

Councilman Matt Caudle: Late (5:20 PM), Councilman Chris Morris: Present, Councilman Kurt Woods: Absent, Councilman Joe Pasanello: Present, Councilwoman Susan Edwards: Present, Vice Mayor Steve Aitken: Present, Mayor David Leake: Present.

2. Department Reports

- A. Main Street Coordinator's Report - Denise Andrews
- B. Building Official's Report - Joe Barbeau, Jr.
- C. Town Planner's Report - Marchant Schneider
- D. Treasurer's Report - Sherrie Wilson
- E. Engineer's Report - Holly Montague
- F. Police Report - Eric Noble, Chief of Police
- G. Town Manager's Report - Brian Henshaw

3. Break 6:30 PM

4. Invocation - Pastor George Carlisle

Mayor Leake asks that everyone stand in a moment of silence in remembrance of Officer Ashley Guindon who sacrificed her life while on duty in Prince William County. In addition, Mayor Leake asks that we keep Officers Jesse Hempen and David McKeown in our thoughts and prayers while they recover from their injuries sustained in the same violent encounter.

Pastor George D. Carlisle of Mount Pleasant Baptist Church is here this evening to offer the invocation

5. Pledge of Allegiance

6. Citizen's Time

Pete Candland - 14569 Jansbury Street

Mr. Candland is here this evening as a private citizen and as a representative of QBE. He thanks the Town Council for their diligence and hard work fighting the proposed Dominion Power lines. He would like to address a proposal from Dr. Shawn Landry regarding the Lewis home at 14710 Washington Street. They would like to move the structure to the QBE Business Park. By locating it in the Town and near its sister building. QBE will ensure all renovations are completed. He proposes that an dessert shop will occupy the building and provide 10-15 jobs in the Town. They believe all costs that the Town incurs moving the building will be recouped within 2-3 years through business tax and meals tax revenue. QBE is prepared to build a foundation within 45 days of award.

7. Public Hearing

A. Sale of structure located at 14710 Washington Street

Mayor Leake opens the public hearing regarding the sale of the structure located at 14710 Washington Street and asks that if anyone would like to speak in favor or opposed to the sale to please come forward at this time.

No public comment

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Steve Aitken, Vice Mayor
SECONDER:	Joe Pasanello, Councilman
AYES:	Caudle, Morris, Pasanello, Edwards, Aitken
ABSENT:	Kurt Woods

8. Minutes Acceptance

A. Mayor and Council - Regular Meeting - Dec 7, 2015 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Steve Aitken, Vice Mayor
SECONDER:	Joe Pasanello, Councilman
AYES:	Caudle, Morris, Pasanello, Edwards, Aitken
ABSENT:	Kurt Woods

B. Mayor and Council - Regular Meeting - Jan 4, 2016 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Steve Aitken, Vice Mayor
SECONDER:	Joe Pasanello, Councilman
AYES:	Caudle, Morris, Pasanello, Edwards, Aitken
ABSENT:	Kurt Woods

C. Mayor and Council - Regular Meeting - Feb 1, 2016 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Steve Aitken, Vice Mayor
SECONDER:	Joe Pasanello, Councilman
AYES:	Caudle, Morris, Pasanello, Edwards, Aitken
ABSENT:	Kurt Woods

9. Agenda Items

A. VDOT - Transform 66 Update

Ms. Susan Shaw is here this evening to discuss VDOT's preferred alternative of the transformation of one lane on I-66, in both directions, becoming a HOT or express lane. VDOT is proposing HOT lanes in both the east and west bound sides of I-66. You will be required to have HOV of 3 or more in order to not be assessed a toll. There would remain three general purpose lanes at all times in both directions. The median will be preserved for future Metro Rail. Design public hearing early 2017; Construction start in spring 2017; open to traffic by 2021.

Vice Mayor Aitken: His primary concern is that I-495 works fine because VDOT took four lanes and made them six. This project on I-66 however is taking four lanes and making 3 regular service lanes. There will be a 25% reduction in service availability. Ms. Shaw responds that traffic analysis show that with a no build condition that we will see degradation in service in the 2040 time frame in the general service lanes. Implementing this project we will see a significant improvement over the no build option. Mr. Aitken is concerned about what happens between 2020 and 2040. Ms. Shaw believes they will start seeing improvements in 2025.

Councilman Morris asks for clarification on the number of lanes available at various times. Ms. Shaw explains currently, there are four lanes, during peak commute times one of the four lanes becomes HOV2. Once those peak times are over the HOV lanes revert back to general purpose. Those times vary depending upon the area. The proposed HOT lanes will be 24/7 HOT/HOV3. If you meet the HOV3 you can travel for free, or you have the option of paying the toll if not HOV3. Councilman Morris asks if the commuters are part of the traffic study that she is referencing. Mr. Morris believes the intent is to help the commuters, but he does not see that is going to happen.

Councilwoman Edwards comments that the tax payers have already paid for that lane that is proposed to be taken away. In addition, we pay a fuel tax at the gas station. The taxpayers are already paying for these roads, and this proposals says we won't be allowed to use them. Ms. Edwards just firmly believes it is wrong to take away something that has already been paid for by taxpayers. Ms. Shaw comments that they are required to reduce their footprint. This corridor is surrounded by parks, VDOT does not believe adding a lane is possible in this area.

Councilman Caudle reiterates what Ms. Edwards said, he feels this is double taxation. Mr. Caudle asks if it was looked at to leave the HOV2 lane then construct the HOT/HOV3 lane. Ms. Shaw explains that VDOT will not be able to quote a price for the toll. The toll you pay on a Monday at 8:00 am may not be the same toll you pay the following Monday at 8:00 am.

Councilman Pasanello asks if there is going to be a floor or a ceiling with the toll rates. Ms. Shaw informs that there is no ceiling. Mr. Pasanello in summary believes that VDOT is looking for diversion; either pay HOV3 or the transit option to relieve traffic flow. Ms. Shaw comments that there is not one piece of this that makes or breaks the project. All aspects need to work for the project to be successful. Mr. Pasanello agrees that we cannot build our way out of this, multimodal is the answer. Mr. Pasanello asks what is the shelf life on the study for this project. Ms. Shaw says it won't be a problem updating the study. Mr. Pasanello asks about the park & ride, how much space is needed. She said they will need 5 acres for the 230 spaces. They will need at least 10 acres for 600 spaces.

Holly Montague asks Ms. Shaw if there is any language preventing the developer to use the 14' shoulders for travel in the future. Between Route 50 and the Beltway, that is an option. They could not do it elsewhere because it could impact the financial viability of the project.

B. Pedestrian Improvements Grant - Engineering Change Order

Move to authorize the Town Manager to execute the change order for the Pedestrian Improvement Project Design and Engineering with RDA Civil Engineering firm in the amount of \$14,414.00 for changing from Basic Acquisition Reports to Appraisals.

Discussion:

Councilman Pasanello asks do we need the additional \$14,000 in the next budget? Yes, it will need to be addressed in the FY 2017 Budget

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Steve Aitken, Vice Mayor
SECONDER:	Chris Morris, Councilman
AYES:	Caudle, Morris, Pasanello, Edwards, Aitken
ABSENT:	Kurt Woods

C. Sale of structure located at 14710 Washington Street

D. I-66 HOV to HOT Lanes - Vice Mayor Steve Aitken

Move to adopt Resolution 2016-001:

A RESOLUTION TO DECLARE THE TOWN OF HAYMARKET'S OPPOSITION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION'S PLANS TO WIDEN INTERSTATE 66 AND CONVERT THE "HIGH OCCUPANCY VEHICLE" (HOV) LANES TO "HIGH OCCUPANCY TOLL" (HOT) LANES

WHEREAS, the Virginia Department of Transportation has announced The Transform 66 Outside the Beltway plan to widen Interstate 66 by one lane, in each direction, for tolled HOT lane use only, and to toll all existing HOV lanes, between the Beltway and Gainesville; and

WHEREAS, the plan also calls for the creation of a high frequency rapid bus service and dedicated lanes to promote higher occupancy vehicular traffic and direct access points to the dedicated lanes; and,

WHEREAS, the proposed plan includes changing the carpooling rules on I-66 from HOV-2 (two

occupants to use the HOV lanes) to HOV-3 (three occupants to use the HOT lanes), making it more difficult for carpoolers to meet the HOV-3 requirement, and requiring them to pay tolls that could exceed \$10,000 each year if they do not meet the HOV-3 requirement; and

WHEREAS, these changes will eliminate an existing general purpose lane during non peak traffic hours, effectively creating greater congestion on the three remaining general purpose, non-tolled lanes; and

WHEREAS, the Town of Haymarket Town Council is concerned that the proposed plan may result in continued long-term congestion, not result in reduced air pollution, and create greater resident inconvenience at the cost of hundreds of millions of dollars to the Commonwealth, its taxpayers, and to Haymarket residents and users of I-66; and

WHEREAS, the Town of Haymarket supports the emphasis on multi-modal solutions that make it easier for commuters to find alternatives to automobile-based commutes but opposes the elimination of the HOV-2 Lane, supports the use of the HOV lane as a general purpose lane during non-peak traffic times, and opposes HOT lanes that will shift traffic to the remaining three existing lanes that cannot handle the current capacity;

NOW, THEREFORE, BE IT RESOLVED THAT, on March 7, 2016, the Town of Haymarket Town Council voices its opposition to the proposed widening of Interstate 66 for additional HOT lanes only, the conversion of all existing HOV lanes to tolled HOT lanes, the shift from HOV-2 to HOV-3, and the elimination of a general purpose lane during non peak traffic volumes.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Steve Aitken, Vice Mayor
SECONDER:	Susan Edwards, Councilwoman
AYES:	Caudle, Morris, Pasanello, Edwards, Aitken
ABSENT:	Kurt Woods

E. Ordinance - Condition of Premises Chapter 22

With no objection from Council the Mayor directs that this Ordinance be addressed at the April 4, 2016 Town Council meeting

F. House Bill 549

Move to adopt Resolution 2016-002:

**RESOLUTION 2016-002
REQUESTING THE GOVERNOR VETO SENATE BILL 549**

WHEREAS, Senate Bill 549 ("SB 549") will cause significant adverse impacts to the rezoning process as to create uncertainty, increased community impacts and litigation which will negatively impact the development of real property in the Commonwealth of Virginia; and

WHEREAS, SB 549 is antagonistic to orderly, managed and planned growth of vibrant neighborhoods and communities in which to live, work, and play where residents are served by adequate public facilities; and

WHEREAS, SB 549 will inhibit a constructive and collaborative development process between localities and rezoning applicants; and

WHEREAS, SB 549 creates an unfunded mandate by eliminating the ability of localities and developers to adequately mitigate the impacts of development and will cause upward pressure on local tax rates to pay for public facilities that can no longer be proffered in rezoning cases; and

WHEREAS, SB 549 would eliminate the flexibility currently available to localities and developers to customize developments by prohibiting developers from offering innovative proffers, and

localities from accepting such proffers, to meet the needs of modern and vibrant communities that attract economic development; and

WHEREAS, SB 549 would cause a complete reversal in the body of law governing rezoning cases developed by the highest courts over the last century by transferring the historic presumption of reasonableness from locally elected legislative bodies to land developers; and

WHEREAS, SB 549 would have a chilling effect on the ability of planning commissioners and members of local governing bodies to respond to or address concerns expressed by constituents during the public hearing process thus rendering the public hearing process a mere formality; and

WHEREAS, SB 549 completely eliminates the ability of applicants, despite a genuine desire to do so, to offer proffers for public facilities or improvements where the need for such facilities or improvements is not specifically attributable to the proposed residential development; and

WHEREAS, SB 549 would discourage staff, planning commissioners and local legislators throughout the rezoning process from engaging in constructive discussion of proposed residential rezonings; and

WHEREAS, SB 549 would prohibit applicants from proffering, and localities from accepting proffers for many essential public facilities that would ultimately serve the needs of the eventual residents of proposed residential developments or offsite improvements to mitigate very real light, noise, and visual impacts to adjacent properties.

NOW, THEREFORE, BE IT RESOLVED that the Town of Haymarket, calls upon the Honorable Terence R. McAuliffe, Governor of the Commonwealth of Virginia to veto Senate Bill 549.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Steve Aitken, Vice Mayor
SECONDER:	Susan Edwards, Councilwoman
AYES:	Caudle, Morris, Pasanello, Edwards, Aitken
ABSENT:	Kurt Woods

G. Closed Session

Move 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.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically the Finley Construction Contract

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Caudle, Morris, Pasanello, Edwards, Aitken, Leake
ABSENT:	Kurt Woods

H. Certification of Closed Session

Move 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:	Steve Aitken, Vice Mayor
SECONDER:	Susan Edwards, Councilwoman
AYES:	Caudle, Morris, Pasanello, Edwards, Aitken, Leake
ABSENT:	Kurt Woods

I. VRE Update

Councilman Pasanello announces that there are some upcoming committee meetings with VRE. There will be more information after those committee meetings.

J. Dominion Virginia Power 230 kV Transmission Line & Substation**10. Councilmember Time****A. Susan Edwards**

- Councilwoman Edwards has nothing additional to add this evening

B. Joe Pasanello

- Councilman Pasanello wishes everyone a Happy Easter

C. Chris Morris

- Councilman Morris has nothing additional to add this evening

D. Steve Aitken

- Vice Mayor Aitken is not in favor of keeping the work session and the regular meeting into one evening. He believes it does not give time to dialogue and discussion amongst themselves.

E. Matt Caudle**F. Kurt Woods**

- Councilman Woods is absent this evening

G. David Leake

- Mayor Leake polls the other Council Members to see if they are okay with the format of combining the work session and the regular meeting together. With Woods being absent all Council does like the new format except for Vice Mayor Aitken. It is recommended that if a member of Council does not feel comfortable with the information provided that the matter be tabled
- Mayor Leake informs that the Greenhill Crossing Community has installed blue lighting on their signs in remembrance of Ashley Guindon. In addition he has issued a half-staff flag order for Officer Guindon. The flag will remain half-staff until Mrs. Nancy Reagan is interred.

11. Adjournment**A. Motion to Adjourn**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joe Pasanello, Councilman
SECONDER:	Susan Edwards, Councilwoman
AYES:	Caudle, Morris, Pasanello, Edwards, Aitken
ABSENT:	Kurt Woods

Submitted:

Approved:

Jennifer Preli, Town Clerk_____
David Leake, Mayor