



# TOWN OF HAYMARKET TOWN COUNCIL

## REGULAR MEETING ~ MINUTES ~

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

15000 Washington St  
Haymarket, VA 20169

Monday, April 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. Minutes Acceptance

#### A. Mayor & Council - Continuation Meeting - Feb 12, 2013 7:30 PM

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jay Tobias, Vice Mayor
<b>SECONDER:</b>	Rebecca Bare, Councilwoman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

#### B. Mayor & Council - Work Session - Feb 26, 2013 3:00 PM

<b>RESULT:</b>	<b>ACCEPTED [5 TO 0]</b>
<b>MOVER:</b>	Jay Tobias, Vice Mayor
<b>SECONDER:</b>	Rebecca Bare, Councilwoman
<b>AYES:</b>	Aitken, Bare, Scarbrough, Kenworthy, Tobias
<b>ABSTAIN:</b>	Katherine Harnest

#### C. Mayor & Council - Work Session - Mar 19, 2013 7:00 PM

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jay Tobias, Vice Mayor
<b>SECONDER:</b>	Rebecca Bare, Councilwoman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

### 4. Citizen's Time

Brent Dubose - 14723 Alexandra's Keep Lane

He has some concerns about his builder; they have been non-responsive to him. He is here tonight to get some direction. The Mayor explains to Mr. Dubose that citizen's time is a forum to make Council aware of issues and that the Council does not typically respond.

A. Mrs. Maria Turner Addressed the Town Council During Citizen's Time

Mrs. Turner is here this evening to talk about the speeding on Fayette Street. She provides the Council with pictures from the last accident that occurred in December on Fayette Street near her home.

She discusses an article she presents to Council tonight. The article addresses a building that is potentially being demolished in the City of Manassas historic district. The building looks very similar to the General's house on Fayette Street. She is wondering why the condition of this building has not been addressed. She would like the article entered into the record.

## 5. Public Hearings (Joint with Planning Commission)

### A. Haymarket Baptist Church - Site Plan Waivers/Exceptions

Mayor opens up the public hearing for the Haymarket Baptist Church Site Plan Waivers  
Commissioner Weir call the Planning Commission hearing and special meeting to order

**Planning Commission Roll Call: Bare, Ring, Robinson, Weir (Johnson-Absent)**

Both the Planning Commission and the Town Council call for any public comment:

**Ken Luersen:** He asks what the buffer will be reduced to? Will any screening be provided? The Town Planner responds that the buffer will actually be fencing; the plan is to increase the buffer that joins the Harrover properties.

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Katherine Harnest, Councilwoman
<b>SECONDER:</b>	Mary-Lou Scarbrough, Councilwoman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

### B. Zoning Text Amendment - Funeral Home Use B-1

Mayor opens up the public hearing for the Zoning Text Amendment to allow a Funeral Home as a special use in the B-1 zoning district

Commissioner Weir call the Planning Commission hearing to order  
Marchant Schneider - Town Planner provides a presentation

Both the Planning Commission and the Town Council call for any public comment:

**Cliff Blasius:** What he is asking for is a text amendment to allow a funeral home in the B-1 zone. He notes that all the requirements of the ordinances can be met on this parcel. He feels this business is a personal service. Haymarket would be a convenient place for a funeral home, people are currently traveling over 18 miles for funeral services.

**Susan Edwards:** 6938 Little John Court. She is not completely opposed to having a funeral home in the Town, however that location is of concern to her. The amount of traffic that already exists. She feels this will be a catastrophe. She feels a funeral home would be an asset, but agrees with the Planning Commission, it would be better in the B-2.

Planning Commission closes this public hearing

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Katherine Harnest, Councilwoman
<b>SECONDER:</b>	Mary-Lou Scarbrough, Councilwoman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

### C. Historic District Overlay

Mayor opens up the public hearing for the proposed amendments to the Historic District Overlay

Commissioner Weir call the Planning Commission hearing to order  
Marchant Schneider - Town Planner provides a presentation

Both the Planning Commission and the Town Council call for any public comment:

**Susan Edwards:** This town has spent hundreds of thousands of dollars, if not a million, bring the vision of this Town to fruition. We are so close. We have had a Charrette, this is the vision of this Town. Its very frustrating that we are so close to completion and that all the time and effort, over many many years Haymarket won't be any different. Our charm will be gone.

**Ken Luersen:** He understands what is being reviewed. There are redundancies with respect to the HOA's. He does think we should have some kind of control over the undeveloped properties.

The Planning Commission notes that they are leaving this public hearing open

Ring motions to adjourn the special meeting of the Planning Commission, Robinson Seconds;

Ayes: 4

Nays: 0

Absent: Johnson

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Katherine Harnest, Councilwoman
<b>SECONDER:</b>	Rebecca Bare, Councilwoman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

## 6. Presentations

### A. Journey through Hallowed Ground Cate Magennis Wyatt

#### B. Appropriate Funds

Motion to appropriate \$1,000 to the Journey Through Hallowed Ground as a gesture of appreciation and continued support for their programs, funds to come from the Museum programs line item.

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

## 7. Department Reports

### A. Engineer's Report - Holly Montague

Ms. Montague briefs the Council this evening.

Tobias asks the Town Engineer if it is too late to have a nation design competition for the bridges. She answers that yes, it is probably too late for VDOT to entertain a competition.

### B. Town Planner's Report - Marchant Schneider

Town Center Master Plan - Final presentation will probably be scheduled for May Town Council meeting

PACE West - He is trying to get in contact with the County Administrator. Mr. Landry is getting ready to sign the contract for the purchase of PACE West.

Code Enforcement: He has met with Haymarket Self Storage. They will be in front of the Planning Commission either this month or next to initiate the process for the Special Use of boat/motor home storage. Tobias ask if council objects to directing the Town Planner to begin discussions with the owner of the "General's House" on Fayette Street to hopefully find out how long this building will sit in a state of disrepair. Kenworthy adds that it should include the other buildings on the Payne Lane site. Council asks him to report the results back to Council at the May meeting.

### C. Police Report Chief James E. Roop

Tobias asks if the residents of a private development have to be notified of potential police enforcement. The Town Attorney responds that the responsibility would lie with the Home Owner's Association

Aitken comments that he spoke with the Chief's Assistant and she plans to beef up the weekly crime report a little bit.

Tobias asks the Deputy Chief if there is anything we can do to help the residents of Fayette Street, who have expressed serious concerns about speeding and accidents. The Deputy Chief said the average speed is 30 mph on Fayette. He plans to perform a speed study and document the speed of 100 vehicles. Bare asks that the police cruiser not be visible when conducting the speed study.

### D. Treasurer's Report Staff

Budget work session is scheduled for April 9th @ 7:00 PM. Tobias asks that if you are a liaison to anyone, please bring your final numbers.

## 8. Appropriations

### A. Appropriations

Authorize the appropriation of the 4th 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

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

### B. Budget Amendments

Motion to reallocate funds in the public safety budget by the following:  
From Operating Expenses: Insurance Liability to Public Safety Vehicle Insurance in the amount of \$2,143.75; From Public Safety Uniform Maintenance to Public Safety Uniforms & Accessories in the amount of \$1,000; from the Public Safety Vehicle Fuel to Public Safety Vehicle Maintenance in the amount of \$5,000

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

## 9. Agenda Items

### A. Haymarket Baptist Church - Site Plan Waivers/Exceptions Marchant Schneider, Town Planner

Motion that the Town Council send the Haymarket Baptist Church site plan waivers and exceptions and corresponding site plan back to the Planning Commission for their review and final recommendation

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

### B. Zoning Text Amendment - Amend B1 Zoning Marchant Schneider, Town Planner

Motion to direct the planning commission to work with our Town Attorney and the applicant to come up with mutually agreeable terms to amend our B-1 zoning district to allow for the use of a funeral home by Special Use Permit

The Mayor asks if this use was ever in the zoning ordinance.

<b>RESULT:</b>	<b>ADOPTED [5 TO 2]</b>
<b>MOVER:</b>	Jay Tobias, Vice Mayor
<b>SECONDER:</b>	Mary-Lou Scarbrough, Councilwoman
<b>AYES:</b>	Aitken, Harnest, Scarbrough, Tobias, Leake
<b>NAYS:</b>	Rebecca Bare, Milt Kenworthy

### C. Historic District Overlay

Motion to send historic district overlay back to the Planning Commission for them to draft a formal resolution for a small central historic district with due consideration of all four entry ways into the Town for corresponding review as they see fit

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

**D. Haymarket Baptist Church Rezoning - 14820 Washington Street Marchant Schneider - Town Planner**

Motion to adopt Ordinance 20130401-1 approving REZ20121106 application to amend the zoning map by the Trustees of Haymarket Baptist Church

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

**E. Town Maintenance Contract Sherrie Wilson, Deputy Clerk**

Direct the Town Attorney to work with Councilman Kenworthy to enter into negotiations of a municipal contract with Old Towne Landscaping from Manassas, Virginia

**F. Old Post Office Renovations Award of Bid**

Motion to award the contract for the restoration of the Old Post Office building located at 15020 Washington Street to Loudoun Contracting, Inc. Pending final contract negotiations with the Town Attorney

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

**Appropriate funds for the resoration of the Old Post Office**

Motion to appropriate the remaining balance of the original restoration budget of the Old Post Office and the Hulfish house; the amount of \$28,301 to be used first and then appropriate the remaining amount necessary to fulfill the contract in the amount of \$44,845 from the General Reserve line item

**DISCUSSION:** *While it pains him greatly to exceed the original budget of \$350,000, Tobias thinks that, to answer a citizen's comment from earlier, before the Town can take action upon property owner and advise them to bring their buildings into a better state of repair, the Town needs to take care of its own buildings. The Town needs to lead by example and because of that he is willing to exceed that budget for the restoration projects on the Town Center Property.*

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

**Appoint Point-of-Contact for Old Post Office Contract**

Motion to include in the contract with Loudoun Contracting, Inc. For the Old Post Office renovations that the point-of-contact for the Town for other than permits necessary to do the work will be either Councilwoman Bare or Vice Mayor Jay Tobias

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

**G. FY 2014 Draft Budget**

**H. Check Signers**

Resolution #20130401-1

WHEREAS, The Town of Haymarket routinely issues checks for payment to various vendors;

WHEREAS, The Town of Haymarket's policy has been to have three (3) signatories available for check signing, where two (2) signers for each payment are then required;

WHEREAS, The Town of Haymarket's policy is to have invoices approved for payment by an authorized party prior to releasing the funds;

WHEREAS, The Town of Haymarket's Mayor, David Leake, appears to have repeatedly violated the above procedures during the month of March 2013;

WHEREAS, The Mayor, David Leake, appears to have violated the Spending Policy adopted by the Town for the hiring of contractors, namely "My Painter of Virginia";

WHEREAS, The Mayor, David Leake, did violate the adopted policy of having invoice's approved prior to payment by issuing payment to "My Painter of Virginia";

WHEREAS, The Mayor, David Leake, did violate the adopted policy of having invoice's approved prior to payment by issuing payment to "David Leake";

WHEREAS, The Mayor, David Leake, may have caused an appearance of impropriety by signing a check made payable to himself for reimbursable expenses, prior to obtaining proper approvals;

Therefore be it resolved, this resolution serves to remove David Leake as an authorized signer for the Town's checking, savings and certificate of deposit accounts; AND

Therefore be it further resolved, that this resolution serves to name Steve Aitken as an authorized signer for the Town's checking, savings and certificate of deposit accounts.

**DISCUSSION:** *The Mayor finds it odd that this would just be brought up this evening. He feels he should be given the courtesy of knowing about this ahead of time. It is his opinion that this has been made personal. He brings up an invoice that Tobias approved, for \$1,200 without his approval. Bare comments that the Mayor stated that Tobias should have obtained his approval for the January \$1,200 invoice. She reminds that no he did not need the Mayor's approval. Bare reminds that the Mayor violated the adopted spending policy, then made it personal by bringing up something that had nothing to do with the matter, in an email. She states that had the Mayor owned up to it and talked about it openly, this motion would not have been necessary. No one on Council needs the Mayor's approval while everyone is filling in for the vacant Town Manager position unless of course its an emergency that amounts to more than \$15,000. She reads aloud the Council directive that allowed the staff to come to any one Council member for approvals that are procedurally given by the Town Manager. The Mayor asks where did we give the spending authority to the Council? The Mayor does not believe that Council was given this authority, he reminds of the carpet approval at 15026, now we have new carpet with no tenant. Bare responds that it is our building to maintain. Maintenance of our buildings is within the day to day operations of the government. He spent money to renovate for a tenant; paint the back of the building; and make some repairs in the hallway from the earthquake. Tobias feels the directive on January 7 was very clear to the staff that any and all day to day operations could be handled by any Council member. No one is stating that the work did not need to be done. But the contractor himself states that the Mayor told me to submit two separate invoices, even though the work was discussed and hired all at once, for the same building and it exceeded \$2,500. Tobias does not have a problem with what work was done, just the manner in which it was done. Tobias is surprised that the Mayor is saying this is the first he heard about this since he brought it up at last week's work session.*

Tobias motions to call for the vote, Bare seconds; Motion carries all in favor

<b>RESULT:</b>	<b>ADOPTED [3 TO 2]</b>
<b>MOVER:</b>	Jay Tobias, Vice Mayor
<b>SECONDER:</b>	Rebecca Bare, Councilwoman
<b>AYES:</b>	Rebecca Bare, Milt Kenworthy, Jay Tobias
<b>NAYS:</b>	Katherine Harnest, Mary-Lou Scarbrough
<b>ABSTAIN:</b>	Steve Aitken

### I. Appropriate funds

Motion to authorize and appropriate two invoices to My Painter of Virginia in the amounts of \$660 and \$2254.80

**DISCUSSION:** *The Mayor asks the Town Attorney if its her opinion that these two invoices are separate or should be treated as one. She responds that she does not have an opinion on this matter.*

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

## 10. Closed Session

### A. Closed Session

Motion to enter into closed session pursuant to VA 2.2-3711 A(1) Town Manager position, potential candidates for consideration of the Town Manager position; A(3) disposition of public held real property, namely the Daytime Playtime Lease; A(7) specifically building official and fire marshal; A(29) public contracts, specifically the public works contract and the Old Post Office renovation contract.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Katherine Harnest, Councilwoman
<b>SECONDER:</b>	Rebecca Bare, Councilwoman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias, Leake

### B. Certification of the Closed Session

Motion certification of the closed session 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Steve Aitken, Councilman
<b>SECONDER:</b>	Katherine Harnest, Councilwoman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

Council Directives

Council issues the following directives:

Direct the Town Attorney to work with Councilman Kenworthy to enter into negotiations of a municipal contract with Old Towne Landscaping from Manassas, Virginia

Direct the Town Clerk to ask the Building Official to inspect the school building behind Town Hall for a Town government services office

Direct the Town Attorney to work with Councilwoman Harnest to draft a letter of intent to Mr. Brian Henshaw for the Town Manager position

## 11. Councilmember Time

- A. Steve Aitken
- B. Rebecca Bare
- C. Katherine Harnest
- D. Mary Lou Scarbrough
- E. Milt Kenworthy
- F. James Tobias

Tobias asks the Mayor to please sign the check signers resolution and not waste any more time on this matter.

### **Fayette Street Safety Concerns**

- G. David Leake

## 12. Motion to Adjourn

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

Submitted:

Approved:

\_\_\_\_\_  
Jennifer Preli, Town Clerk

\_\_\_\_\_  
David Leake, Mayor