



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING ~ MINUTES ~

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

15000 Washington St
Haymarket, VA 20169

Monday, May 6, 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. Moment of Silence - Waco, TX & Boston, MA

4. Public Hearing

A. Zoning Text Amendment - B1 Zoning - Funeral Home

Mayor Leake and Chairman Bob Weir open up the joint public hearing for a zoning text amendment proposal to allow funeral homes/mortuary in the B-1 zoning district as a special use.

Planning Commission Roll Call: Weir, Bare, Robinson, Ring (Johnson absent)

Chairman Weir asks for anyone wishing to speak for or against this matter to please come forward.

Cliff Blasius

Mr. Blasius is the applicant for this amendment. He worked with the Planning Commission over the last month. The Planning Commission has added the turn lane requirement to the special use requirements. He would like to have this requirement removed from the zoning text. He feels that if it is warranted he would have to install the lane and that the language is not necessary. He respectfully requests that the Council remove this requirement from the text.

Chairman Weir closes the public hearing

Ring motions to forward the proposed zoning text amendment dated April 8, 2013 to the Town Council for approval, Robinson seconds;

Discussion: Robinson agrees with Mr. Blasius that we don't need that stipulation in the wording of the text. Weir would like to note that the special use regulations are necessarily more restrictive than an ordinary use regulation, that is the reason it is called a special use permit and has conditions attached to it. This text was written for a worst case scenario, because it has to be. The turn lane is an issue for him, he feels it has to stay in there. The Planning Commission is charged with insuring that the proposed text that they deliver comports with the Comprehensive Plan and comports with keeping of the character of the Town. PC has spent a lot of time on this, he still does not support this text amendment. Robinson thinks that given the conditions that we have already made, especially where its located, he's not sure that there is a big benefit to the turn lane.

Bare-Yes, Ring-Yes, Weir-No, Robinson-No, Johnson-Absent

MOTION FAILS

The Town Planner adds that when we met with Mr. Blasius last month, he did express his concerns which is why the note was added.

Weir motions to forward the Zoning Text Amendment to the Town Council, as currently written, with a recommendation not to initiate, Bare seconds;

Bare-Yes, Ring-Yes, Weir-Yes, Robinson-Yes, Johnson-Absent

Weir motions to adjourn the special meeting of the Planning Commission, Bare seconds;

Bare-Yes, Ring-Yes, Weir-Yes, Robinson-Yes, Johnson-Absent

5. Citizen's Time

Mr. Glenn Vickers and Keeyana Mahoney, representing the Boys & Girls Club, are here to talk to Council this evening. There are three facilities located in Prince William County, Dumfries, Dale City, and Manassas. Between the three clubs they are serving about 4,500 children annually. Their mission to create productive citizens. There is a \$30 annual membership fee for everyone. People are looking for opportunities in this area for a place for their children to have fun and be safe. They would love for the Boy's and Girl's club to have a home here in western Prince William County.

Mr. Shawn Landry, President and CEO of QBE, LLC

He has been working on a project to acquire PACE West at 14550 John Marshall Highway. This property is in both Prince William County and within the Town of Haymarket. In late April they executed the final contract with the County. They are now in a time crunch. As the property sits today the county portion is zoned A1. This is creating a lending problem for the property acquisition. So his first step is to get the entire property annexed into the Town. He has met several times with Prince William County and they are in support of the boundary line adjustment. He is here tonight to get the Council's support and to help him move quickly on this process.

6. Minutes Acceptance

A. Mayor & Council - Regular Meeting - Mar 4, 2013 7:00 PM

RESULT: ACCEPTED AS AMENDED [UNANIMOUS]

AYES: Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

B. Mayor & Council - Continuation Meeting - Mar 21, 2013 7:00 PM

RESULT: ACCEPTED [UNANIMOUS]

AYES: Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

C. Mayor & Council - Work Session - Apr 9, 2013 7:00 PM

RESULT: ACCEPTED [UNANIMOUS]

AYES: Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

D. Mayor & Council - Work Session - Apr 30, 2013 3:00 PM

RESULT: ACCEPTED [UNANIMOUS]

AYES: Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

E. Mayor & Council - Work Session - Mar 26, 2013 3:00 PM

RESULT: ACCEPTED [UNANIMOUS]

AYES: Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

F. Mayor & Council - Regular Meeting - Apr 1, 2013 7:00 PM

RESULT: ACCEPTED AS AMENDED [UNANIMOUS]

AYES: Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

7. Appropriations

A. 15026 Washington Street Moving Expenses

Motion to appropriate \$13, 500 from the Public Works Trash Removal Line Item to 15026 Washington Street Building Improvements/Repairs for a not to exceed budget for telephone system, wiring and security system

Discussion: Aitken reminds that this is a not to exceed number and hopefully will come in less once three bids are obtained on each item

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

B. 15026 Washington Street - Building Improvements

Motion to appropriate \$2,610 from the Public Works Street Cleaning line item to the 15026 Washington Street Building Improvements/Repairs line item; and \$3,600 from 14710 Washington Street Building Improvements/Repairs line item to the 15026 Washington Street Building Improvements/Repairs line item; \$2,240 from 14710 Washington Street Building Improvements/Repairs line item to the 15026 Washington Street Building Improvements/Repairs line item; and \$3,475 from Public Works Snow Removal to 15026 Washington Street Building Improvements/Repairs line item

It is also moved to approve entering into contract with Floor Crafters Home Services for the code work at 15026 Washington Street in the amount of \$2,610; for painting in the amount of \$3,600 to Floor Crafters Home Services; and for carpeting \$2,240 to Valley Floor Company; and for carpentry work \$3,475 to Floor Crafters Home Services

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

C. Budget Revisions

Motion to adopt the following budget revisions, per the recommendations provided below:

Line Item	Current Balance	Adopted Budget	Amount Needed	Recommended Line Item
Museum Security System	\$577.50	\$270	\$325	Museum Office Supplies
Operating Expenses: Advertising	\$6,937	\$6,000	\$4,000	Operating Expenses: Audit
Operating Expenses: Printing & Reproduction	\$3,536	\$3,000	\$2,000	Operating Expenses: Worker's Compensation
Operating Expenses: Equip. Repairs/Maintenance	\$1,931	\$1,823	\$1,000	Operating Expenses: Postage
Professional Services: Building Official	\$33,242	\$18,000	\$38,800	Professional Services: Legal
Professional Services: Planner	\$10,980	\$11,025	\$4,000	Professional Services: Pass-thru fees
Professional Fees: Storm Water/Plan Review	\$8,274	\$2,800	\$8,500	Professional Services: Engineering
Travel & Ent./Lodging	\$2,466	\$1,500	\$1,000	Operating Expenses: Training/Education
Public Safety: Salaries	\$290,521	\$354,606	\$10,000	Personnel/Salaries & Wages: TH Staff
15026 Wash. St. Utilities	\$841	\$0	\$1,600	15000 Wash. St. (THB): Utilities
15026 Wash. St. Building Improvements/Repairs	\$767	\$0	\$1,000	Operating Expenses: Commissioner Admin Fee
15000 Wash. St. (Tenants): Janitorial Supplies	\$830	\$0	\$1,100	Operating Expenses: Commissioner Admin Fee
15000 Wash. St. (Tenants): Building Improvements/Repairs	\$6,882	\$3,500	\$5,000	Professional Services: Chief Financial Operator

15000 Wash. St. (Tenants): Building Materials	\$141	\$0	\$500	Professional Services: Engineering
15000 Wash. St. (Tenants): Cleaning	\$5,005	\$4,000	\$2,200	Professional Services: Chief Financial Operator
15000 Wash. St. (Tenants): Leasehold RE Tax	\$1,843	\$900	\$943	Operating Expenses: Commissioner Admin Fee
15000 Wash. St. (Tenants): Utilities	\$6,179	\$3,463	\$4,100	15000 Wash. St. (THB): Utilities
Town Owned Property: Signage	\$205	\$0	\$205	Professional Services: Engineering
15000 Wash. St. (THB): Building Improvements/Repairs	\$8,589	\$5,000	\$5,000	Professional Services: Engineering
15000 Wash. St. (THB): Cleaning	\$4,822	\$3,500	\$2,500	Professional Services: Pass- thru fees
15025 Wash. St: Utilities	\$3,077	\$3,090	\$500	15000 Wash. St. (THB): Utilities
Hulfish: Utilities	\$114	\$0	\$2,200	15000 Wash. St. (THB): Utilities

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

D. Award of Contract - Washington St. Phase IA Construction Holly Montague, Town Engineer

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

8. Department Reports

A. Building Department Report Soil Consultants, Inc., Interim Building Official

B. Treasurer's Report - May 2013

Vice Mayor Tobias informs Council that one of the Town certificate of deposits is maturing. With no objection from Council, he plans to not renew the CD, but withdraw and deposit into the money market account so that those funds are available for use for the street scape construction.

Council has no objection to the transaction

Next budget work session is set for Thursday, May 16, 2013 at 7:30 pm

C. Police Report - May 2013 Chief James E. Roop

Tobias asks if we are keeping records of how often we respond to Wal Mart calls. The Chief responds that they keep a record of how many times they assist the county in general. The Chief will start keeping a specific record of responses to the Wal Mart Shopping Center.

D. Engineer's Report - Holly Montague

Ms. Montague has received unofficial information that the Town has been approved for the MAP-21 Grant Application that was submitted in March

E. Planner's Report - May 2013 Marchant Schneider

The Town Planner will update the Town Council on the following items:

1. Permit Log (attached)
2. Recent site plan applications / amendments
3. 1-Mile Developments
4. Code Enforcement

5. General Town Inquiries

9. Agenda Items**A. Mayoral Veto**

Motion to override the Mayoral Veto of Resolution #20130401 pertaining to authorized check signers.

RESULT:	ADOPTED [4 TO 1]
AYES:	Rebecca Bare, Katherine Harnest, Milt Kenworthy, Jay Tobias
NAYS:	Mary-Lou Scarbrough
ABSTAIN:	Steve Aitken

B. Town Hall Rental Policy Revision

Motion to approved the amended Town Hall Rental Policy with the correction to the fee at Harrover field, that fee should be \$100. In addition, the following wording should be added As subsection 6 "At times council may consider special waivers of the attached policy to include fees. Such waivers shall be voted on an approved by a majority of Council"

Discussion: *Please inform staff to draft a formal application for the waiver of the policy*

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

C. Zoning Permit Applications

Motion that the Town Council approve Zoning Permit #20130322 for a Blacksmith shops, welding or machine shops, using manual/traditional processes to be located at 15161 Washington Street

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

D. Haymarket Regional Food Pantry Request

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

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

Motion to adopt Zoning Text Amendment #20131221 with a change to item 8A (3) allowing for the possible waiver or assertion by the state that a turn lane is not warranted at the property, additionally, any wording the Town Planner and Town Attorney feel needs to be added.

Discussion: *Bare states that this is not a proper use for the B-1 District. Tobias reminds that we are trying to be somewhat compatible with the County, where this use is also allowed in the B-1. The Ordinance will be adopted in its final form at the May 16, 2013 Town Council meeting.*

RESULT:	ADOPTED [5 TO 1]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Milt Kenworthy, Councilman
AYES:	Aitken, Harnest, Scarbrough, Kenworthy, Tobias
NAYS:	Rebecca Bare

F. Ordinance to Adopt a Transient Occupancy Tax

10. Closed Session

A. Closed Session

Motion to enter into closed session pursuant to VA 2.2-3711

A.1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body. **Town Planner and Town Attorney position**

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. **Old Post Office Lease Negotiations and the Hulfish House Lease;**

A.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. **Daytime Playtime, Sherwood Forest, Payne Investigation, and Olde Towne Landscaping Contract**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Katherine Harnest, Councilwoman
AYES:	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.

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

Council Directives

Council directs Lisa Baird to enter into final contract negotiations with representatives from Vanderpool, Frostick, and Nishanian, pursuant to the proposed accepted contract terms in an effort for that firm to begin representing the Town as soon as possible.

Direct legal counsel to review the lease with Daytime Playtime and prepare written correspondence in response to their recent settlement offer dated May 6, 2013

Direct staff to look into other companies that submitted proposals in response to the Town's RFP for maintenance services for the Town

Hiring of Town Planner

Motion to hire Marchant Schneider as the Town's part-time planner and zoning administrator at a rate of \$40 per hour

Discussion: *Add to the motion that we will enumerate to Mr. Schneider all the powers and all the authority that he has currently been tasked with as a consultant, as it pertains to planning and zoning and code enforcement, Motion is amended to include this*

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

11. Councilmember Time

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

Vote of No Confidence

Pursuant to §15.2-1102 of the Code of Virginia, which grants to the Mayors and Town Councils in their respective Towns all powers necessary or desirable to secure and promote the general welfare of the inhabitants of the municipality and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce and industry of the municipality and the inhabitants thereof within the corporate limits of the municipality; and

Because I feel that Mayor David Leake has openly engaged in attempts to undermine the integrity and authority of the Haymarket Town Council by ignoring duly enacted motions, resolutions and ordinances of the Town of Haymarket; and

Because the Mayor continues to withhold information by refusing to return phone calls and emails on a timely basis; and

Because the Mayor has shown a blatant disregard for the truth when confronted by the Council, Citizens and the Newspaper reporters; and

Because I believe that his actions may have placed the Town of Haymarket in jeopardy of violating provisions of the Code of Virginia, Ordinances of the Town of Haymarket and/or other contractual provisions; and

Because multiple residents and business owners have requested that the Council take corrective action to address Mayor David Leake's egregious behavior; and

NOW, THEREFORE, BE IT RESOLVED for the reasons stated herein, that the Council finds that Mayor Leake has demonstrated behavior that is detrimental to the good government and welfare of the Town of Haymarket, its residents and businesses and has neglected his duties. Therefore the Council declares a "Vote of No Confidence" in Mayor David Leake

RESULT:	DEFEATED [3 TO 4]
MOVER:	Milt Kenworthy, Councilman
SECONDER:	Jay Tobias, Vice Mayor
AYES:	Rebecca Bare, Milt Kenworthy, Jay Tobias
NAYS:	Steve Aitken, Katherine Harnest, Mary-Lou Scarbrough, David Leake

- F. James Tobias
- G. David Leake

12. Motion to Adjourn

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

Submitted:

Approved:

Jennifer Preli, Town Clerk

David Leake, Mayor