



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING ~ MINUTES ~

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

15000 Washington St
Haymarket, VA 20169

Monday, June 3, 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. Moment of Silence - Oklahoma tornado victims

3. Citizen's Time

Mr. Terrence O'Grady - 131 East Broad Street - Falls Church, VA

He represents Rose Investments, LLC, property owners in the Town

He is here this evening to let Council know that negotiations with Mr. Lombardozzi fell through this past year. Under that agreement, the Council had authorized a temporary occupancy permit (1 year) for Snyder Baseball to move into the Rose facility, with the understanding that a site plan would be submitted to the Town. After those negotiations fell through, he was approached by another potential tenant, a gymnastics studio.

Mary Henry - Gymnastics

She is currently the head gymnastics coach at Battlefield High School. They have been looking for a facility, specifically in Haymarket. One of her major issues is being in sooner rather than later. Two main reasons, 1) it will open the gym area up to other sports and 2) it will allow them to have the equipment always set up; set up and take down take a very long time for gymnastic equipment.

4. Minutes Acceptance

A. Mayor & Council - Continuation Meeting - May 16, 2013 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Mary-Lou Scarbrough, Councilwoman
SECONDER:	Milt Kenworthy, Councilman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

B. Mayor & Council - Work Session - May 16, 2013 7:30 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Mary-Lou Scarbrough, Councilwoman
SECONDER:	Katherine Harnest, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

C. Mayor & Council - Work Session - May 28, 2013 3:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Mary-Lou Scarbrough, Councilwoman
SECONDER:	Katherine Harnest, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

5. Department Reports

A. Treasurer's Report - Staff

Direct the clerk to advertise a public hearing for the Fiscal Year 2014 Budget on June 20, 2013 at 7:00 PM

Credit Card

RESOLUTION 20130603-1

RESOLUTION OF THE TOWN OF HAYMARKET TOWN COUNCIL TO ALLOW TOWN MANAGER TO PROCURE A MUNICIPAL CREDIT CARD

WHEREAS, the Town Council firmly believes in the practices of being fiscally responsible with the residents of Haymarket's resources, including all public funds; and

WHEREAS, the Town sees a need for the occasional use of immediate payment methods where normal procurement procedures are not an option.

NOW, THEREFORE, BE IT RESOLVED this Third day of June, 2013, that the Haymarket Town Council does hereby authorize the Town Manager to have The Fauquier Bank reissue the Town's Credit Card as follows:

1. The Credit Card shall be imprinted as similar to the sample below as possible:
Town of Haymarket:

A. Be it further resolved the following protocols will be implemented effectively immediately:

1. Town Council authorizes the issuance of only one credit card to the Town by The Fauquier Bank. The Town Manager shall have physical possession of this card except when the Town Manager has authorized its use by a Town employee.
2. The credit card issued to the Town of Haymarket shall be used under the sole discretion of the Town Manager for all departments of the Town.
3. The Town Council sets the credit limit amount with the credit card at The Fauquier Banks to \$2,500.00.
4. The Town Council gives authority to the Town Manager to delegate use of the credit card by Town employees with authorization, which may be for individual purchases, a class of purchases, or a blanket authorization in the discretion of the Town Manager.
5. Any Town employee making a purchase with the credit card must provide a receipt so that all purchases can be reconciled each month with the Credit Card's Statement.

Discussion:

Scarbrough thinks there should be two cards, one for the Police Department one for the Town Hall. Bare would prefer the card to stay in Town Hall so that access to it could be gained over the weekends and at night.

RESULT:	ADOPTED [4 TO 2]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Steve Aitken, Councilman
AYES:	Steve Aitken, Katherine Harnest, Milt Kenworthy, Jay Tobias
NAYS:	Rebecca Bare, Mary-Lou Scarbrough

- B. Police Report - Chief James Roop**
- C. Planner Report - Marchant Schneider**
- D. Engineer's Report - Holly Montague**
- E. Building Official's Report - Soil Consultants**
- F. Manager's Report - Brian Henshaw**

6. Appropriations

A. Telephone System - Police Department Councilman Steve Aitken

Motion that the Town Council contract for the purchase of the new telephone system be awarded to Falcon Communications Solutions, Inc in an amount not to exceed \$3,300. Funds to be appropriated from the 15026 Washington Street: Building Improvements/Repairs line item

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

B. Networking & Cabling of Police Department Councilman Steve Aitken

Motion that the Town Council authorize entering into contract for the purchase of the CATV/Network/Telephone cabling at 15026 Washington Street with TelNet of Virginia, Inc. In an amount not to exceed \$4,000. Funds to be appropriated from the 15026 Washington Street: Building Improvements/Repairs line item

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

C. Security System

Motion to allow councilman Aitken to enter in a contract in an amount not to exceed \$6,500, for the purpose of installing a security system in the new police department. Funds to be appropriated from the 15026 Washington Street Building Improvements/Repairs line item.

The intent is to get this done and get the Police Department In there prior to July 1, 2013.

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

7. Agenda Items

A. Site Plan Amendment - Minor Revision - Piedmont Mews Marchant Schneider

Motion that the Town Council amend Zoning Permit ZP20120815 to approve changes to the associated grading plan entitled "Parcel 1A1 Piedmont Mews Grading Plan", prepared by LDC, revised through May 1, 2013

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

B. Ordinance to Amend Zoning Text - Funeral Home Marchant Schneider, Town Planner

Motion that the Town Council adopt Ordinances ORD#20130603-1, ORD#20130603-2, and ORD#20130603-3, permitting Mortuary, Funeral Home Use by Special Use Permit in the Town Center District B-1.

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

C. Boundary Adjustment - 14550 John Marshall Hwy (P.A.C.E.) Marchant Schneider, Town Planner

Motion that the Town Council adopts Resolution RES#20130603;

RESULT: DEFEATED [1 TO 5]
MOVER: Steve Aitken, Councilman
SECONDER: Katherine Harnest, Councilwoman
AYES: Steve Aitken
NAYS: Bare, Harnest, Scarbrough, Kenworthy, Tobias

D. Fiscal Year 2014 Proposed Budget - Staff

See the Treasurer's report, Item 5A, for action on this matter

E. Request to Council - American Legion

Motion to approve the request from the American Legion Post #1799 and suspend the Town Hall Rental Policy by allowing the American Legion Post #1799 use of the Town Hall facilities through the period ending June 30, 2014

RESULT: ADOPTED [4 TO 0]
MOVER: Katherine Harnest, Councilwoman
SECONDER: Milt Kenworthy, Councilman
AYES: Rebecca Bare, Katherine Harnest, Mary-Lou Scarbrough, Milt Kenworthy
EXCUSED: Steve Aitken
AWAY: Jay Tobias

8. Closed Session

A. Closed Session

Motion to enter into closed session pursuant to **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. **Lease with Daytime Playtime; Old Post Office Lease Negotiations**, and;

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. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter, namely the **Daytime Playtime Lease**

RESULT:	ADOPTED [6 TO 0]
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Leake
AWAY:	Jay Tobias

B. Certification of the Closed Session

Motion pursuant to § 2.2-3712 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 [6 TO 0]
MOVER:	Rebecca Bare, Councilwoman
SECONDER:	Mary-Lou Scarbrough, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Leake
AWAY:	Jay Tobias

9. Councilmember Time

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

Upon receipt of a package deemed complete enough by the Atty and Planner we hereby direct the TC at the first available date, given all legal advertising requirements.

Bare, Harnest, all in favor

Reconsider Boundary Line Adjustment

Motion to reconsider the Boundary Line Adjustment application from QBE, LLC

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

PACE Boundary Line Adjustment

Tobias: *Based on discussion with Dr. Landry and Marchant Schneider, his proposal. It was his understanding that initially the Council supported a boundary line adjustment at this property, given rezoning were to take place and started with the filing of the application and the fees and that there be some sort of language in the letter that the only way we were supporting this boundary line adjustment is if the property was rezoned to a commercial use and that the use of the balls field would be long term. During the discussions, it was suggested that we can fast-track this. If we all agree to fast-track, make it a priority project for the Town Attorney & Planner, as soon as we can possibly schedule a public hearing for the support of a rezoning on the condition and the assumption that all the documentation would be complete by the date of the public hearing. In turn, what the applicant wishes for us to do tonight is to adopt or draft a letter saying we are willing to support a boundary line adjustment as long as the stated conditions are met. This letter will allow the County to start their process. All of this takes the resolution off the table, which is what most of Council is uncomfortable with.*

Draft a letter in support of the concept of a boundary line adjustment

Council directs the Town Attorney and Town Planner to work with the applicant, QBE Global to draft a letter in support of the boundary line adjustment, given the following conditions are met: Submission of an application for a commercial rezoning of the entire property and the submission associated fees, and proper consideration in the rezoning application for the dedication of the recreational use of the fields and facilities. If those conditions are met, the Mayor is authorized to sign the letter of support for the concept of the boundary line adjustment.

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

Schedule a Public Hearing

Motion that upon receipt of a package deemed complete enough by the Planner and Attorney for the rezoning of 14550 John Marshall Highway we hereby direct the Town Clerk to advertise a joint public hearing with the Planning Commission at the first available date, given all legal advertising requirements are met

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Mary-Lou Scarbrough, Councilwoman
AYES:	Bare, Harnest, Scarbrough, Kenworthy, Tobias
EXCUSED:	Steve Aitken

G. David Leake

10. Motion to Adjourn

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

Submitted:

Approved:

Jennifer Preli, Town Clerk

David Leake, Mayor