



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING ~ MINUTES ~

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

15000 Washington St
Haymarket, VA 20169

Monday, February 2, 2015

7:00 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 7:00 PM

Mayor David Leake called the meeting to order.

1. Call to Order

Councilwoman Pam Swinford: Present, Councilman Matt Caudle: Present, Councilman Chris Morris: Present, Councilman Kurt Woods: Present, Councilman Joe Pasanello: Present, Vice Mayor Steve Aitken: Present, Mayor David Leake: Present.

2. Invocation

Councilman Chris Morris offers the invocation this evening

3. Pledge of Allegiance

4. Citizen's Time

The Mayor introduces Elena Schlossberg, Executive Director of The Coalition to Protect Prince William County. This is a banding of neighbors to protect the community's best interest with regard to the Gainesville Haymarket proposed Dominion VA Power 230 KV Transmission lines. She thanks the Town for the comprehensive report provided. She informs Council that she has communicated with Dominion that there is only one route that the Coalition will support and that is I-66 and buried.

5. Minutes Acceptance

6. Agenda Items

A. Dominion VA Power Transmission Line

Move to adopt RESOLUTION 20150202- 1

RESOLUTION OF THE TOWN OF HAYMARKET TOWN COUNCIL TO EXPRESS SUPPORT FOR DOMINION VIRGINIA POWER'S PUBLIC INPUT ALTERNATE PRELIMINARY ROUTE NORTH OF I-66 IF THE TRANSMISSION LINES ARE CONSTRUCTED UNDERGROUND

WHEREAS, the Virginia Electric and Power Company, d/b/a Dominion Virginia Power ("DVP") has proposed a 230 kV Transmission Line ("the Line") and Substation to serve a customer west of the Town limits; and

WHEREAS, DVP has proposed several routes for the Line, each of which would likely impact the Town and its citizens; and

WHEREAS, the Town's Planning Commission has prepared a Report and Finding dated December 8, 2014, analyzing the various proposed routes and their likely impacts on the Town and its citizens and recommending opposition to all of the proposals as presented by DVP, with contingent approval of the "Public Input Alternate Preliminary Route North of I-66" provided that the Line is constructed underground;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Haymarket, meeting in regular session this 2nd day of February, 2015, that the Council does hereby

Minutes Acceptance: Minutes of Feb 2, 2015 7:00 PM (Minutes Acceptance)

1. Support the construction of the DVP Transmission Line along the "Public Input Alternate Preliminary Route North of I-66" contingent upon the Line being constructed underground, and
2. Oppose all of DVP's proposed Transmission Line routes as presented by DVP, as well as the proposed distribution lines that include "double stack" towers throughout Washington Street within the Town, and
3. Direct that this Resolution and the Planning Commission's report be forwarded to DVP, the Virginia State Corporation Commission, the State House Delegate of the 13th District the Honorable Robert "Bob" G. Marshall, the State Senator of the 13th District the Honorable Richard H. Black, Gainesville Magisterial District Supervisor the Honorable Peter Candland, and Chairman of the Prince William County Board of Supervisors the Honorable Corey Stewart.

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

B. Trespassing Ordinance - Chief Greg Smith

Move to adopt an **ORDINANCE TO AMEND THE CODE OF ORDINANCES, TOWN OF HAYMARKET, VIRGINIA (2004), BY ENACTING §§ 30-5.1 30-5.2, 30-5.3 and 30-5.4, RELATING TO DESIGNATING THE CHIEF OF POLICE, OR HIS DESIGNATES, AS AGENTS TO ACT ON BEHALF OF THE OWNERS OF REAL PROPERTY FOR PURPOSES OF ENFORCING LAWS PROHIBITING TRESPASSING**

WHEREAS, the Town of Haymarket, Virginia, in order to preserve public order and the protection of property within the Town, desires to allow the owners of private property to cooperate with, and to enable to the extent they can support, the police department to deter and prevent trespassing, or the ensuing criminal activity that may follow, and

WHEREAS, Authorizing such a program is mutually beneficial to the good order of the Town, maximizes the efficiency of its police officers, and provides a benefit to the property owner by minimizing court appearance, and

WHEREAS, Virginia Code § 15.2-1717.1 authorizes local governments to adopt, by ordinance, a procedure by which the owner, lessee, custodian, or other person lawfully in charge of real property may designate the local law-enforcement agency as a "person lawfully in charge of the property" for the purpose of forbidding another to go or remain upon the lands, buildings, or premises as specified in the designation, and

WHEREAS, Prince William County has adopted an ordinance as permitted by Virginia Code § 15.2-1717.1, which is codified in the Prince William County Code as §§ 16-41.1 through 16-41.4, and

WHEREAS, the Town Council desires to amend the Town Code to adopt ordinances modeled on Prince William County Code §§ 16-41.1 through 16-41.4,

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Haymarket, meeting this 2nd day of February, 2015, in regular session, that the Town Council finds that amending the Town Code as stated in the preamble to this ordinance serves to protect the public health, safety, and welfare, and therefore the Town Council hereby amends the Town Code by adding §§ 30-5.1, 30-5.2, 30-5.3, and 30-5.4 as follows:

Sec. 30-5.1 - Designation of Chief of Police and designees as "persons lawfully in charge

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of property” for the purposes of enforcing laws prohibiting trespassing.

The owner of any real property used for commercial or residential purposes in the Town, or any person legally authorized to act for the owner of such property, or the lessee, custodian, or other person lawfully in charge as those terms are used in §18.2-119, *Code of Virginia*, may designate the Chief of Police or designees as agents of the property owner and as “persons lawfully in charge of the property” for the purposes of forbidding another to go or remain upon the lands, buildings, or premises of the owner as specified in the designation, for enforcing any and all state and local laws prohibiting trespassing against such persons should they observe such persons going or remaining on such lands, buildings or premises after having been forbidden to do so. Such designations must be made in accordance with the procedure established in section 30-5.2, and are subject to the condition and limitations established by sections 30-5.3 and 30-5.4.

Sec. 30-5.2 - Procedure for designating the Chief of Police and designees as “persons lawfully in charge” of the owner’s property for purposes of enforcing laws prohibiting trespassing.

The owner of any real property used for commercial or residential purposes, or any person legally authorized to act for the owner of such property, or the lessee, custodian, or other person lawfully in charge as those terms are used in § 18.2-119, *Code of Virginia*, wishing to designate the Chief of Police as “a person lawfully in charge of the property” for the purposes set forth in section 30-5.1 must:

(1) File a written application, in a form to be established by the Chief of Police, with the Chief’s office, stating the owner’s intent to designate the Chief of Police for these purposes, describing the real property covered by the designation, stating whether the property owner wishes the Chief of Police to enforce the trespassing laws against individuals identified in the application, against any individual found on the property engaging in suspicious or unlawful activity in the opinion of the Chief of Police or his or her designees, against any individual to be identified in future by the property owner, or against any combination of these groups of people. The written application must be signed by a person who can demonstrate that he or she is the owner of the property, or is legally authorized to act for the property owner.

(2) Execute a written power of attorney, in a form approved by the Chief of Police and the Town Attorney, designating the Chief of Police and his or her designees as persons lawfully in charge of the property for the following purposes:

a. To orally or in writing forbid any person identified by the property owner or applicant, or any person who, in the opinion of the Chief of Police or his designees, should be forbidden to go or remain upon the lands, buildings, or premises covered by the application;

b. To initiate criminal process for trespassing and take any and all other appropriate action to enforce state and local laws prohibiting trespassing if a person returns to or remains on the property after having been forbidden to do so by the owner, lessee, custodian, or other person lawfully in charge of the property; and

c. To testify on behalf of the owner, lessee, custodian, or other person lawfully in charge of the property, as a person lawfully in charge of the property, in any criminal prosecutions arising out of any trespass notices or complaints described in this subsection.

Sec. 30-5.3 - Acceptance of designation by Chief of Police required; other conditions.

(a) A designation of the Chief of Police and his or her designees as agent and a person

lawfully in charge of the property becomes complete when the Chief of Police mails a written notification to the applicant that the application and power of attorney have been received, reviewed, and accepted, and the Chief of Police consents to being designated as a person lawfully in charge of the property for the purposes set forth in section 30-5.1. The decision whether to accept any designation is solely within the discretion of the Chief of Police, who may base his or her decision on such factors as resource levels of the police department, overall benefit to public safety, and the proper allocation of police resources.

(b) The Chief of Police may rescind his acceptance at any time, by mailing written notification of his rescission of acceptance to the applicant. The decision to rescind any acceptance of designation is solely within the discretion of the Chief of Police, who may base his or her decision on such factors as resource levels of the police department and the proper allocation of those resources.

(c) The Chief of Police and his designees will make reasonable efforts to issue no trespassing notices to persons specifically identified by the applicant.

(d) The decision of whether to issue no trespassing notices to persons who have not been specifically identified by the applicant, but who are observed on the property by the Chief of Police or his or her designees are solely within the discretion of the Chief of Police and his or her designees.

(e) The Chief of Police and his or her designees will provide written notifications to the applicant whenever they give an oral or written no trespassing notice to a person, identifying the person with reasonable specificity.

(f) The Chief of Police will maintain on file in the police department all applications and powers of attorney in cases in which he or she has accepted designation as "a person lawfully in charge of the property", as well as records of all no trespassing notices issued by employees of the police department acting in that capacity.

Sec. 30-5.4 - Temporary or partial suspensions or rescissions of no trespassing notices.

The property owner or applicant may temporarily or partially suspend, or rescind, a notice of no trespassing issued by the Chief of Police or his or her designees to any person, provided that the property owner or applicant first provides a written notification to the Chief of Police of the temporary or partial suspension or rescission, and sufficiently identifying the person. If a trespassing notice is to be temporarily or partially suspended, the property owner or applicant must provide, in the written notice, a reasonable specific description of the times and circumstances under which the person is authorized to be on the property.

A property owner or other applicant considering a person's request to modify or rescind a no trespassing notice issued to him or her may request the Chief of Police or his or her designees to perform a local criminal record check. The Chief of Police may disclose the results of that local record check to the property owner for the property owner's purposes in considering the person's request for modification or rescission of the not trespassing notice.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kurt Woods, Councilman
SECONDER:	Joe Pasanello, Councilman
AYES:	Swinford, Caudle, Morris, Woods, Pasanello, Aitken

C. The Very Thing for Her Sign - Marchant Schneider

Minutes Acceptance: Minutes of Feb 2, 2015 7:00 PM (Minutes Acceptance)

Move to authorize the Town Manager to move forward with the application for a wall sign to be located at The Very Thing for her located at 6630 Jefferson Street

RESULT:	ADOPTED [5 TO 0]
MOVER:	Steve Aitken, Vice Mayor
AYES:	Caudle, Morris, Woods, Pasanello, Aitken
ABSTAIN:	Pam Swinford

D. Fiscal Policy - Brian Henshaw

The draft policy was provided to the Town Council for their review. Matter is to be placed on the March 2, 2015 agenda.

E. Appointments - BZA, ARB, PC

Mayor would like this matter deferred to the March meeting

7. Department Reports

- A. Town Engineer's Report - Holly Montague
- B. Building Official's Report - Joe Barbeau, Jr.
- C. Museum Report - Denise Hall
- D. Police Report - Greg Smith, Interim Chief of Police
- E. Town Planner's Report - Marchant Schneider
- F. Town Manager's Report - Brian Henshaw
- G. Treasurer's Report - Sherrie Wilson

8. Councilmember Time

A. Matt Caudle

- Councilman Caudle thanks the staff for having the ponding fixed in front of the food pantry; he also asks if we could have gravel placed at the turn around area at the food pantry

B. Pam Swinford

C. Steve Aitken

D. Chris Morris

- He reminds it has been 5 ½ months since the proposal for the Council to get a better word out to the community. There is still some aspect of a bad taste in the mouth of folks from past Councils. We need to find a way to get the good information out. He would really like to see us reach out more to the public with good information
- He was interested in changing the start times for the meetings, but the attendance is slim so he doesn't think that would help matter.

E. Joe Pasanello

- Councilman Pasanello thinks we could really benefit from the conservation easement at Somerset
- He would like staff to look into cost and feasibility of a permanent speed sign for Washington Street

F. Kurt Woods

- Councilman Woods adds his support of introducing the permanent speed sign
- He does not support a change to the work session start time. Having it at 5pm allows for some evening time at home.

G. David Leake

- The Mayor would like to recognize Na'Seem Hopson out of Hopewell Virginia. He won the "If I were Mayor Contest" and was recognized by the General Assembly last week. The Town will be announcing its winner of the "If I were Mayor Contest this week".
- David J. Berry was one of 10 people killed on Tuesday in Libya. Mr. Berry was a resident of Greenhill Crossing. The Mayor orders the Town flags be flown at half staff until Mr. Berry's Interment.

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9. Adjournment

A. Motion to Adjourn

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

Submitted:

Approved:

Jennifer Preli, Town Clerk

David Leake, Mayor

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