



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING ~ MINUTES ~

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

15000 Washington St
Haymarket, VA 20169

Monday, August 3, 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: Absent, Councilman Matt Caudle: Present, Councilman Chris Morris: Absent, Councilman Kurt Woods: Present, Councilman Joe Pasanello: Present, Vice Mayor Steve Aitken: Present, Mayor David Leake: Present.

2. Invocation

Moment of silence for Phil Swinford
Invocation by Kurt Woods

3. Pledge of Allegiance

4. Citizen's Time

Jim Kraut - Representing the Masonic Lodge Charitable Foundation

He is here this evening to request a temporary occupancy permit for his tenant who has invested a significant amount of money in occupying the building they own behind the lodge. He would like to have occupancy prior to Haymarket Day.

Jonathan Buck, Archery Coach Reagan Middle School.

The Reagan Archery Team is the 2015 World Champions. They are very proud of this victory they are only in their 3rd year of existence. Represent the Town of Haymarket. Hope to continue to participate in events in town and do shooting. Would like to find a place in a town facility. Diligence to Prosper is the motto. One tournament in NY this coming weekend. Mayor Leake acknowledges that they are in need of sponsorship and recognizes their hard work and success. The Mayor requests that consideration of sponsorship for this team be added as an agenda item this evening.

5. Consent Agenda

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Matt Caudle, Councilman
SECONDER:	Joe Pasanello, Councilman
AYES:	Matt Caudle, Kurt Woods, Joe Pasanello, Steve Aitken
ABSENT:	Pam Swinford, Chris Morris

A. Minutes Acceptance

- i. Mayor and Council - Special Meeting - Jun 10, 2015 7:00 PM
- ii. Mayor and Council - Work Session - Jun 29, 2015 5:00 PM
- iii. Mayor and Council - Regular Meeting - Jul 6, 2015 7:00 PM

B. Department Reports

- i. Police Report - Greg Smith, Interim Chief of Police
- ii. Main Street Coordinator's Report - Denise Hall
- iii. Town Engineer's Report - Holly Montague
- iv. Treasurer's Report - Sherrie Wilson

C. 2473 pulled from Consent

D. Award of Lease of Public Lands to Operate Electric Power

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6. Agenda Items

A. Initiate Zoning Text Amendments

Move to adopt Resolution 2015-010:

RESOLUTION TO INITIATE CONSIDERATION OF ZONING TEXT AMENDMENTS (ZTA#20140220) TO CHAPTER 58 (ZONING) OF THE CODE OF THE TOWN OF HAYMARKET, VIRGINIA, ON BEHALF OF STEICO, INC. (AKA SHEETZ)

WHEREAS, certain zoning text amendments have been submitted for consideration by the Town Council pursuant to the provisions § 15.2-2286(A)(7) of the Code of Virginia and § 58-422 of the Code of the Town of Haymarket, Virginia;

WHEREAS, the Town Council may consider such petitions in furtherance of the purposes of zoning as set out in § 15.2-2283 of the Code of Virginia and to further implement the Town's Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED that the Town Council states its intention to consider amending Chapter 58 of the Code of the Town of Haymarket, Virginia, to adopt new provisions on the following matters:

1. Amend § 58-260, Requirements for Special Uses, to remove the requirement that special use permits within the Limited Industrial District I-1 shall be applied for annually;
2. Amend § 58-258, Special Uses, to permit "Quick Service Food Store, as accessory use to Service Station with fuel sales with repairs under roof" within the Limited Industrial District I-1;
3. Amend § 58-344, Industrial Signs, to permit Service Station signs;
4. Amend § 58-1, Definitions, to implement the proposed text changes;
5. Initiate revisions to other Sections of Chapter 58 of the Code of Haymarket, Virginia, as may be necessary to ensure that these amendments are fully implemented and achieve the full intent of this Resolution;

AND BE IT FURTHER RESOLVED that the Town Council, pursuant to § 58-425 of the Haymarket Town Code, hereby refers these matters to the Planning Commission to consider whether these amendments are in furtherance of the public necessity, convenience, general welfare, and good zoning practice; to consider whether these amendments are consistent with the Town's Comprehensive Plan; to consider the impact of these amendments on the services, character, and needs of the community; to prepare draft amendments for consideration; and for the Planning Commission's recommendation in regard to these matters referred.

Discussion: *Councilman Woods asks if the Town Planner has any concerns about these text amendments. Mr. Schneider responds that no he does not. Sheetz is just moving faster than our sign ordinance revisions.*

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

B. Sponsorship of Reagan Middle School Archery Team

The Mayor asks how the Council feels about a potential sponsorship. Vice Mayor Aitken recommends that this matter come in the form of a request and presentation. The Mayor reminds that in 2014 a similar presentation came before Council from the Bull Run Middle School Robotics Team that was honored. Councilman Pasanello congratulates the team and asks how the Council handled this the last time but he does recommend a process be followed. Councilman Caudle appreciates the amount of time the Coach puts into teams like this; he does

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believe a procedure should be followed but would love to help. The Mayor recommends that their request be placed on next month's agenda

C. Dominion Virginia Power 230 KV Transmission Lines

Councilman Pasanello reminds that the Prince William County Board of Supervisors will be considering a resolution tomorrow evening regarding the Gainesville/Haymarket Dominion VA Power 230 KV Transmission Lines & Substation Information.

D. Town Properties

This matter has been forwarded to facilities committee.

E. Mr. Ring Residency

Mr. Ring has served the Town as a member of both the Planning Commission and the Architectural Review Board. The Town Council invited Mr. Ring this evening to give him an opportunity to be heard with regard to the question of his residency. Councilman Woods thanked Mr. Ring for coming and stated that Mr. Ring received letters from the Mayor outlining council's concerns. Councilman Woods reiterates that members of the planning commission and the architectural review board are required to be residents of the Town. Councilman Woods reiterates that it is Council's current understanding that Mr. Ring has moved and no longer resides in the Town. Councilman Woods explains that Council would like to give Mr. Ring an opportunity to present his position and any information he thinks would be relevant for Council to consider. Mr. Ring says the letters he has received from the Town regarding this are contradictory. He says the first letter said he is no longer a resident and the next letter said he may no longer be a resident. Mr. Ring says he is very concerned that the Town is withholding his paycheck for the meetings he attended. Councilman Woods states that council is simply concerned with residency and that if Mr. Ring has any information contrary to the information Council has, he would like to hear that information. Mr. Ring says he does not know what information the Town may or may not possess. He says the Town has not defined residency and asks whether council is arbitrarily defining residency. Mr. Ring says that when Councilwoman Swinford ran for the first time, she occupied a house in Haymarket but was not a resident of Virginia and couldn't be seated and with respect to the ARB, the Town took no action, so it is his view that the Town's action indicates that residency is not that important.

Councilman Woods notes that Mr. Ring has asked what information the Town has. Councilman Woods continues that the information the Town has is as follows: that on or about June 19th Mr. Ring purchased a home at 13103 Ginger Court in Manassas and that the home where he previously resided, 14920 Greenhill Crossing Drive is listed for sale. In addition, on or before July 1, 2015 Mr. Ring's family moved from Haymarket to their new home on Ginger Court in Manassas. Mr. Ring states that some of that information is incorrect and he believes irrelevant. He says that he actually owns three homes. Mr. Ring queries whether ownership of a home defines residency and says he doesn't think so.

The Mayor asks if Mr. Ring has anything additional that he'd like Council to know. Mr. Ring says he'd like a dialogue. Councilman Woods says that Mr. Ring was invited to have that dialogue and to present information as to why he believes he is still a Town resident. Councilman Woods asks Mr. Ring whether he has any evidence or information. Mr. Ring says he has given it. Mr. Ring says he would like a definition of residency. Mr. Ring says he does not believe residency has anything to do with where one physically resides. Councilman Pasanello asks Mr. Ring where he lays his head down at night. Mr. Ring asks for a definition of residency saying it has not been defined.

Councilman Woods asks if legal counsel can define residency. Ms. Cohen states that the meaning of residency is addressed in the law, but like many other terms in the law, it is dealt with on a case-by-case basis depending on the facts. She explained that council's job is to ensure that all members of the Town's boards are qualified for that position in accordance with the state's statutory requirements. Ms. Cohen explained that council must look at what the law says regarding residency but that determination is made with knowledge of the facts, so the questions being directed to Mr. Ring are to ascertain the facts. She explained that the law is then applied to the facts. Mr. Ring states that his driver's license says Haymarket, he is registered to vote in Haymarket, he receives his mail in Haymarket, yet he does own three homes. The Mayor asks whether the three homes are in Haymarket and Mr. Ring said they are not.

Councilman Woods asks where Mr. Ring sleeps at night. Mr. Ring says he has three houses and depending on where he is he sleeps in all three. Councilman Pasanello asked whether other than the house in Haymarket that is for sale, Mr. Ring owns other property in Haymarket. Mr. Ring says he does not. Councilman Pasanello asks whether when the house in Haymarket is sold, will Mr. Ring still be a resident. Mr. Ring acknowledges that when the house is sold, he will not be a resident. Mayor Leake

asks Mr. Ring is there is any additional information to provide. Mr. Ring wants to know when he will get his paycheck. Mr. Ring says he attended the meetings and did his duty and where he lays his head at night is irrelevant and that the Town is withholding his pay. Councilman Caudle said he believes it is not irrelevant where Mr. Ring sleeps. Councilman Caudle said the law is clear that resides means lives and does not have to do only with where you own. He said the intent of the state code is that a resident is someone who lives permanently in a certain locality in order to be able to act on behalf of its citizens. Councilman Caudle explained that council has had a dialogue with Mr. Ring and if it is determined that he lives in the Town, Councilman Caudle is sure Mr. Ring will get paid. Councilman Caudle reiterated that the purpose of having Mr. Ring come tonight was to allow him to be heard on the issue. Mayor Leake thanked Mr. Ring for the facts he presented and for coming tonight.

F. Town Manager's Report - Brian Henshaw

The Town Manager thanks the Council for the opportunity to attend the Senior Executive Institute. He reminds that he was able to offset the cost with a scholarship.

G. Appropriate Public Safety Capital Expenditure

Move to appropriate and authorize the expenditure of \$15,000 from the line item Capital Fund Expenditure/Machinery for the purchase of permanent speed indicator signs.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joe Pasanello, Councilman
SECONDER:	Kurt Woods, Councilman
AYES:	Matt Caudle, Kurt Woods, Joe Pasanello, Steve Aitken
ABSENT:	Pam Swinford, Chris Morris

H. Request to Waive Spending Policy

The Town Council had directed staff to remove brush and overgrowth at the Harrover properties. The Town Manager engaged Genesis Contracting to perform this service and unfortunately did not receive an estimate until July 21st, when he was at his conference. He does believe he acted in the best interest of the Town. roject had begun the Town Manager found out that the service would be approximately \$13,000. Since the project had already begun, the Town Manager authorized the project to continue to move forward.

Vice Mayor Aitken is not complaining about Genesis' rate structure. His bigger concern is the estimate was not detailed enough to understand the magnitude or scope of work. The Town Manager reminds that there is no one on staff who has the expertise to put together the scope of work, which is where it should be coming from.

Councilman Caudle comments that the property looks fantastic and that the crew was there from 7am - 5pm. As the Town moves onto bigger projects, he thinks there needs to be a more formal process. The number is irrelevant, but anytime we know there is going to be a cost overrun, ahead of time, we should have a process to follow. We're responsible to citizens for oversight. WE have to answer for it. We answer to the people. More formal process, line item, and if know ahead of time cost overrun, let Mayor or designated person know. Cleanup is 10 years over due.

Councilman Woods wants the Town Manager to know that they are not trying to point fingers we are just trying to work through these bumps. We don't want bureaucratic red tape but we are government and sometimes it has to happen. We do have a responsibility to our citizens that the finances are managed well.

Move to appropriate \$15,000 from the FY 2016 Adopted Budget, Line Item CIP: Harrover Property: Construction, it is further moved to authorize the expenditure of \$12,925 to Genesis Contracting & Consulting for the Landscaping Brush Clean-Up as presented by Genesis dated 07/22/2015 (attached) by suspending the adopted Spending Policy POL#20140707 and waiving the requirement of a formal bid process.

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

I. Salary Adjustment Proposal

Move to adopt the Salary Adjustment Proposal as presented this evening and that the adjusted salaries should be retroactive to July 1, 2015

Discussion: Councilman Caudle asks how soon the Town Manager can get the adjustments to the Police Department Administrative Assistant. The Town Manager believes that the PD Admin position could be changed administratively and thinks the position should have the title of Administrative Assistant II. Putting recommended action for these positions as well. 5% higher footnote for supervisor position. This was for all Supervisor positions. Footnote for COP and TM.

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

J. VRE Extension Study

Move to adopt Resolution #2015-011 in support of a Gainesville-Haymarket VRE Extension Study

WHEREAS, the citizens of the Town of Haymarket are affected by transportation issues related to the I-66 Corridor, particularly the severe traffic congestion faced by citizens commuting from the Town to points east; and

WHEREAS, VRE is conducting a study for an 11-mile extension of its Manassas Line through Gainesville to the general vicinity of VA Route 15 near Haymarket; and

WHEREAS, the VRE System Plan 2040 identified the Gainesville-Haymarket extension as a priority to expand regional mobility, given the extensive residential and commercial growth in western Prince William County; and

WHEREAS, prior studies examined the opportunities and benefits of extending commuter rail service to the Gainesville-Haymarket area and the I-66 Corridor; and

WHEREAS, VRE, working in conjunction with the Norfolk Southern Railway, the Virginia Department of Rail and Public Transportation, Northern Virginia Transportation Authority, Prince William County and other stakeholders, launched the current analysis to build on those prior studies; and

WHEREAS, the current Gainesville-Haymarket Extension Study will investigate service plans and station locations and assess possible environmental effects; and

WHEREAS, VRE has announced that it will be conducting a series of public meetings and workshops throughout the course of the study, that it seeks input from the community; and

WHEREAS, Council believes it is in the best interests of the citizens of the Town of Haymarket to obtain as much information as possible about the potential extension of the VRE; and

WHEREAS, completion of the current VRE study will enable Council and the citizens of the Town to more fully understand and analyze the issues involved in extending rail service;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Haymarket, meeting in

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regular session this 3rd day of August, 2015, that the Council does hereby support VRE's conducting of the Gainesville-Haymarket Extension Study and looks forward to engaging with citizens to review, analyze and comment on the study's findings and proposals.

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

7. Closed Session

A. Enter into Closed Session

Move to enter into closed session pursuant to VA §2.2-3711

A7. 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 concerning legal analysis of VA §15.2-2212, Qualifications, appointments, removal, terms & compensation of members of the local planning commission

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

B. 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]
AYES: Caudle, Woods, Pasanello, Aitken, Leake
ABSENT: Pam Swinford, Chris Morris

C. Ring Residency

The following information has been presented to the Council:

That on or about June 19th Mr. Ring purchased a home at 13103 Ginger Court in Manassas, VA. That the house where Mr. Ring previously resided at 14920 Greenhill Crossing Drive in the Town of Haymarket is listed for sale. That on July 1st Mr. Ring and his family moved from the Greenhill Crossing address in Haymarket to their new home in Ginger Court in Manassas and that the Rings furnishings have been moved from the Haymarket address. When asked whether he would be a resident of the Town of Haymarket after the sale of the house at Greenhill Crossing Drive, Mr. Ring indicated that he would not. The facts presented to the Council therefore have led the Council to conclude that Mr. Ring is no longer a resident of the Town and therefore the requirements of VA §15.2-2212 of the Code of Virginia, that a member of the Planning Commission be a resident of the Town and of the Town Code section 58-556, that a member of the Architectural Review Board be a resident of the Town have not been satisfied and therefore I hereby declare that Mr. Ring's seat on the Planning Commission and his seat on the ARB both were vacant as of the last meeting of the ARB and the Planning Commission on June 15th and 16th respectively and that the Town is not authorized to issue town funds for attendance by someone other than a qualified member of such Board or Commission.

8. Councilmember Time

A. Chris Morris

- Councilman Morris is absent this evening

B. Kurt Woods

- Nothing to add this evening

C. Matt Caudle

- Nothing to add this evening

D. Steve Aitken

- Nothing to add this evening

E. Joe Pasanello

- Contacted by a former council member, get together and talk about Quiet Zone and do an update.
- He would like to discuss the Council's election cycle. He thinks we should bring that matter back up.
- September is Blood Cancer Awareness Month and he will be presenting a proclamation for the Council's consideration at the September meeting

F. Pam Swinford

- Councilwoman Swinford is absent this evening

G. David Leake

- Reminder: Tomorrow evening is National Night Out
- The Mayor dovetails on Councilman Pasanello's request to adopt September 2015 as blood cancer awareness month. He recommends that we perhaps light the museum in red and promote the meaning.

9. Adjournment

A. Motion to Adjourn

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

Submitted:

Approved:

Jennifer Preli, Town Clerk

David Leake, Mayor

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