



# TOWN OF HAYMARKET TOWN COUNCIL

## REGULAR MEETING ~ MINUTES ~

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

15000 Washington St  
Haymarket, VA 20169

Tuesday, September 4, 2012

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. Citizen's Time

Ralph Ring

He appreciates the Town web casting the work session, but asks that we consider holding the work session during the evening when citizens and council member can all attend.

Town Manager introduces our new Museum Manager, FrannMarie Jacinto

### 4. Minutes Acceptance

#### A. Mayor & Council - Regular Meeting - Jul 2, 2012 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 - Emergency Meeting - Jul 17, 2012 8:00 PM

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

#### C. Mayor & Council - Regular Meeting - Aug 6, 2012 7:00 PM

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

#### D. Mayor & Council - Work-Session - Aug 27, 2012 3:00 PM

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

#### E. Mayor & Council - Special Meeting - Aug 27, 2012 6:00 PM

Minutes Acceptance: Minutes of Sep 4, 2012 7:00 PM (Minutes Acceptance)

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

## 5. Updates

### A. Hulfish House Renovation Update

Both buildings are coming along, but a bit slower than we had hoped. Some final exterior work is being done.

Tobias asks what is left to do: Handicap ramp, paint interior, put windows in. There was a problem with the odd sizes of the windows. The Town Manager believes the tenant will be in by the end of September.

### B. Old Post Office Renovation

Old Post Office exterior is just about complete. There is a bit more to do on the interior, but he would like to hold off until we have a definite tenant. Mayor asks when the building will have power, so that a light can be on. The Town Manager is just waiting for Dominion VA Power to load the building.

Tobias asks when will the buildings be ready, for sure. Exteriors will be done by Haymarket Day on both buildings.

## 6. Appropriations

### A. Engineering Services - Washington Street Enhancement

Motion to authorize the expenditure of \$18,153 from Streetscape Expenditures line item for the additional engineering required to move the drainage at 14800 Washington Street, as required by the Washington Street Enhancement Project

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

### B. Alexandra's Keep General Development Conditions

Monies have been received from the Alexandra's Keep Subdivision as required by the 2005 General Development on the property. This has been brought to the Town Council this evening to consider what the funds can be spent on.

### C. Hiring of New Police Officer

Motion to authorize the Chief of Police to hire an additional police officer in the Town at a salary not to exceed \$42,000 plus benefits

Aitken asks if this will make our department 24/7? Chief responds that no, not necessarily. Tobias asks about reserve officers, can they fill in the gaps and make the department 24/7? The Chief responds that only one of his reserve officers patrols, so no, they would not be able to fill in the gaps to make the 24/7 coverage.

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

### D. Purchase of a New Police Cruiser

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

E. Haymarket Baptist Church - Streetscape Settlement

Town Manager has a final agreement with Haymarket Baptist Church for the Washington Street Enhancement Project right-of-way acquisition. He went ahead and put a summary of the items contained in the agreement.

Council directs Town Manager and the Town Attorney to settle the acquisition/agreement

F. ARB Appropriations

Mayor commented that we had no funding to appoint other positions within the ARB, he would like to be able to make it a seven member board.

Tobias comments that we should have had this item during the work session and we did not. He suggests we leave it as is as a five member board.

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

G. General Reserves

We should have a final draft of the audit within the next two weeks.

Tobias notes that it should come in around \$197,000

\*\*Council directs staff to advertise a public hearing for the October Town Council meeting

## 7. Department Reports

A. Treasurer's Report

B. Police Report - Chief James E. Roop

Tobias mentioned that he has noticed a lot of cut through traffic at town hall, he asks if we could beef up the enforcement.

C. Building Official's Report - James R. Lowery, Jr.

D. Town Manager's Report - Gene Swearingen

\*\*Ask VDOT about more safe painting (color) of bike lanes when they re-stripe

## 8. Agenda Items

A. Town Center Master Plan

Of the five proposals received, the committee narrowed the choices down to two. However, the staff recommendation is to hire JE2.

Motion to enter into contract with JE2 for the engineering/planning services for the development of the Town Center Master Plan

Not to exceed \$20,000 from General Reserves line item

Tobias asks if there is an estimated time of completion? The Town Manager responds no, that has not yet been discussed.

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

B. Consider Zoning Text Amendments (Town Code Section 58, Zoning) Re: 2012 Session of the Virginia General Assembly / Recent Land Use Matters

WHEREAS, the Town Council wishes to consider amending Chapter 58 (Zoning) of the Code of Haymarket in furtherance of the purposes of zoning as set out in §15.2-2283 of the Code of Virginia and to further implement the Comprehensive Plan;

WHEREAS, the Town Council wishes to consider initiating amendments to: (1) amend the Minimum Off-street Parking Standards; (2) amend Old and Historic Haymarket District Overlay Standards; (3) amend the use regulations of the I-1 zoning district; (4) amend Signs and Nameplates Standards; (5) amend Site Plan Requirements; (6) amend the Rules and Regulations of the Board of Zoning Appeals; (7) amend Landscaping, Screening, Buffering, Open Space and Streetscape; and (8) amend Definitions, as necessary, to implement any proposed changes;

NOW, THEREFORE, BE IT RESOLVED that the Town Council states its intention to consider amending Chapter 58 of the Code of Haymarket, Virginia, to adopt new provisions and to amend it Comprehensive Plan in furtherance thereof, if necessary;

AND BE IT FURTHER RESOLVED that the Town Council 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 prepare draft amendments for consideration; and for the Planning Commission's recommendation in regard to these matters referred.

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

C. Community Center

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

D. Liaison Appointment - Police Department

Motion to appoint Steve Aitken as Town Council liaison to the police department term ending June 30, 2014

**RESULT:** ADOPTED [5 TO 0]  
**MOVER:** Jay Tobias, Vice Mayor  
**SECONDER:** Mary-Lou Scarbrough, Councilwoman  
**AYES:** Bare, Harnest, Scarbrough, Kenworthy, Tobias  
**ABSTAIN:** Steve Aitken

E. Zoning Permit Application

Motions to approve Zoning Permit #ZP20120711 for Renee Enterprises, LLC to be located at 14950 Washington Street, pursuant to Town Code Section 58-177 (9)

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

F. Appointment of Chief of Police & Town Clerk

Motion to appoint James E. Roop as the Town Chief of Police and Jennifer L. Preli, as the Town Clerk for the Fiscal Year 2013

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

**G. Enter into Closed Session I**

Motion to enter into closed session pursuant to 2.2-3711 A1. 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; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals, namely the position of Town Attorney

For the record, the Town Attorney recuses her self from this closed session discussion.

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

**H. Certify Closed Session**

Motion that the Council of the Town of Haymarket does hereby certify that to the best of each member's knowledge, only public business matters lawfully exempt from the open meeting requirements by Virginia law were discussed in the closed session, to which this certification applies, and only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by Council.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rebecca Bare, Councilwoman  
**SECONDER:** Mary-Lou Scarbrough, Councilwoman  
**AYES:** Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias, Leake

**I. Appointment of Town Legal Counsel**

Motion to enter into negotiations with the law firm of Lisa M. Baird for legal services to the Town, effective immediately, for the term ending October 31, 2014 and to allow for termination of the appointment at the leisure of both parties

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

**J. Enter into Closed Session**

Motion to enter into closed session pursuant to 2.2-3711 A1. 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; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals, namely the position of the Chief of Police and Town Manager and all Town Employees

A3 Discussion of the acquisition of real property for public purposes or of the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position of the public body, namely the lease agreements with Daytime Playtime and The Very Thing

A7 To obtain legal advise from Mr. Robert Dively regarding the Street Scape Project

Minutes Acceptance: Minutes of Sep 4, 2012 7:00 PM (Minutes Acceptance)

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

K. Certify Closed Session

Motion that the Council of the Town of Haymarket does hereby certify that to the best of each member's knowledge, only public business matters lawfully exempt from the open meeting requirements by Virginia law were discussed in the closed session, to which this certification applies, and only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by Council.

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

L. Haymarket Baptist Church

Council directive to work with Mr. Dively and Ms. Baird to finalize the settlement agreement with Haymarket Baptist Church for the Street Scape property acquisition and barring any unforeseen changes by legal counsel, to execute that agreement.

M. Salary Increases

Whereas the Town Council allowed for up to 3% cost of living and up to 2% merit based raises for the Town staff in the Fiscal Year 2013 Budget, therefore be it resolved that with the exception of one police officer, all Town employees should receive a 5% salary increase, to be effective July 1, 2012. Officer Coire O'Neal, due to length of employment with the Town, shall receive a 3.5% raise, also effective July 1, 2012

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

## 9. Citizens' Time II

No public comments

## 10. Councilmember Time

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

Directive to staff if a certain council member asks for something or ask for further information or clarification on an item, to please provide that information directly to member of Council that has asked for it. Specifically

- G. David Leake

Reminds all of Haymarket Day and that the Town Council is part of the parade. All Council members should be in line for the parade at 9:15 am.

**11. 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

Minutes Acceptance: Minutes of Sep 4, 2012 7:00 PM (Minutes Acceptance)

