



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING ~ MINUTES ~

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

15000 Washington St
Haymarket, VA 20169

Monday, December 3, 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. Minutes Acceptance

A. Mayor & Council - Regular Meeting - Oct 1, 2012 7:10 PM

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

B. Mayor & Council - Regular Meeting - Nov 13, 2012 7:00 PM

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

4. Citizen's Time

Suzanne Leake - Jockey Club Lane

"I feel that the response to the hurricane relief effort that was done by the broadband of communities, friends and neighbors is a disappointment to the position that you hold, the Town's people that you serve and to those that sacrificially step up and sacrificially serve others. This is specifically directed to Ms. Bare and to any other council member that may have supported the letter, rather than commending and praising the efforts of so many who coordinated and gave up their time and resources for this hurricane relief effort, you have only tried to condemn those efforts with negativity. The attitude that has been displayed regarding the hurricane relief efforts is a disgrace; trying to create negativity because you did not personally receive a phone call and did not know about the relief effort is nothing short of, lets say ridiculous. Not only did you write a letter complaining about this but you send a copy to the Gainesville Times. Now what possible reason would you have to do that? Of course, hoping to create some negativity over something so positive. Let me tell you that you have only succeeded in banding together a community. Relief efforts are about serving others, not about serving ourselves. As you know by now, this effort had nothing to do with you, the Town itself, Town resources, or Town personnel; we all wear many different hats at many different times, but we do not wear all hats all the time. The Mayor, through his employer and his employer's resources, coordinated this effort. This last minute expansive incredible effort and you should be standing side by side with the people you serve of this Town and surrounding communities praising all of those who came out and stepped up at the last minute and put this effort together. You should be proud that the Town has people and representatives who were willing to give up their time and their resources to unconditionally serve others. Although this was not a "Town effort" the

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Town has received a lot of credit for it. Sadly, this is simply one more item on the list of many which you and other council members continue to try and breed discord and play power struggles between the Town its elected officials and personnel. Serving is not about control and serving is not about power, it is simply about serving. If you cannot put your personal interest aside and step up simply to serve those who you were elected to serve, then I encourage you to step aside and let someone who can serve to step up and serve, because we the people of the Town deserve better. Thank you."

Ken Luersen - Jefferson Street

With the recent construction going on it has raised his concerns about bicycle safety and the intersection of Jefferson and Washington Streets. He has put together this packet to provide to the Council to call attention to the safety problems he thinks we have. The intersection is beginning to see more traffic as the area grows. He is concerned with the congestion of the turning vehicle; they appear to be using the bicycle lanes to go around standing traffic. He recommends that we install the construction pylons that we see diverting traffic. He recommends to permanently install flexible traffic posts.

Heather Latigan - White Oak School

Ms. Latigan represents White Oak School and early education facility that is interested in leasing 15026 Washington Street from the Town of Haymarket.

They are independently owned, the school would run September - June; Monday-Friday (50-80 kids) employ 18-24. The intention is to use the entire building and the playground lot behind it.

Annie Jenks - PTO President at Buckland Mills - they are interested in being considered for any funds that may be available from the Alexandra's Keep proffers

Paula King - Co President of Tyler PTO & Town resident-Little John Court

She is here this evening, along with other members of the Tyler PTO to present their proposal for the expenditure of the Alexandra's Keep Proffer funds that available for disbursement. She thanks the Town Council for their consideration.

Clerk reads aloud an email received from **Ms. Michelle Babecki - Gainesville, VA**

To Whom It May Concern:

I would like this to be read at the Haymarket Town meeting tonight, December 3, 2012.

My name is Michelle Babecki and I work at Haymarket Baptist Preschool and Kindergarten. Several weeks ago I was sitting in a meeting with Mrs. Suzzane Leake when she got information that her husband David Leake was going to be making a much needed trip up to New York. David's company had provided a generator that he had offered to take up to the people hit by the hurricane. Finding out that he was making this trip, many of us decided to get the word out and load his truck up with as much stuff as possible. We were fortunate that Mr. Leake, his two sons and several other generous people volunteered their time to drive all the things that we were able to get donated up to New York. When making my donations I was never under the belief that this was an act made by the "Town of Haymarket." This was put forth as a friends husband making a trip to help others. I wish that I had been able to make the trip with them in order to see the joy that all the collected items brought to those in need of them. I do not feel that Mr. Leake should be chastised for doing something so very right. He is a man that had an idea and acted on it. If only we all could be so spontaneously thoughtful.

A. Ken Luersen - Resident

5. Updates & Information

A. Tree Dedication - Ed Milhous

Mr. Milhous was not able to attend tonight's meeting.

6. Agenda Items

A. Policy on Council Rules of Procedure

Motion to overrule the Mayoral Veto received by the Clerk and let it be resolved by the Town Council of the Town of Haymarket, in accordance with the Town Charter that the attached rules and procedures be adopted effective December 3, 2012

Aitken comments that typically in a government organization that there are checks and balances. This appears to him to remove all mayoral power and puts it in the hands of the

Council. He doesn't believe that is something we should do. There should be some checks and balances and not have a mayor that is just a figure head.

Bare comments that the rules of procedure were on the November 6 work session agenda, the Mayor cancelled that work session meeting. The Town Attorney has reviewed the policy and as stated in the Council's last meeting the policy does follow our Charter and State code. This policy doesn't remove or limit powers of the Mayor, they were not mayoral powers according to our Charter in the first place. As to the last statement on the veto, she takes great offense to the accusatory nature. Bare comments that she went above and beyond and was in no way shape or form self serving. The purpose of this policy to make sure the Town Council operates in a professional manner. The fact that four council members were present at the September 26 work session and the Mayor refused to yield to Council's insistence that the work session be streamed and would not call the meeting to order. She forwarded the policy to all five other council members

Scarborough would like to discuss and review, she will not vote in favor of this policy without having a work session on the matter.

Kenworthy is in favor of the policy

Tobias

Every council member was given ample time to review the policy. This matter was set for a work session agenda, and the Mayor cancelled that work session. It is certainly your right

Tobias notes that the 4-2 Vote is a super majority of Council and should not be discussed again

RESULT:	ADOPTED [4 TO 2]
AYES:	Rebecca Bare, Katherine Harnest, Milt Kenworthy, Jay Tobias
NAYS:	Steve Aitken, Mary-Lou Scarborough

B. Welcome Signs

Harnest asks if anyone has any questions. Tobias asks if the ARB has done any cost analysis on the proposal.

Aitken likes the idea of trying to do this

Tobias asks if a cost analysis has been done. Chair Luersen responds that no, a cost analysis has not been done, they would like a clear direction from Council before any additional work is

C. Planning Commission Appointment

Action on this matter was deferred. The matter is to be discussed in the closed session.

Please see item 10 (C) for action on the appointment

D. Consideration of an Ordinance to Amend Section 30-8

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

7. Appropriations

A. Town Center Property - Appropriations

Minutes Acceptance: Minutes of Dec 3, 2012 7:00 PM (Minutes Acceptance)

Approve the transfer of up to \$3,500 from the General Reserve to the Town Center Property Line item and authorize the expense of build out for the 2nd floor tenant improvements at Suites 204, 206 & 280

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

B. Alexandra's Keep Proffer Funds

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

C. Streetscape Appropriations

We have spent \$55,000+ on the legal Services of Mr. Dively. Funds have been appropriated in the amount of \$62,500. No action necessary at this time.

D. Motion to amend the agenda to add consideration of seasonal bonuses for employees

RESULT: ADOPTED [5 TO 1]
MOVER: Katherine Harnest, Councilwoman
SECONDER: Mary-Lou Scarbrough, Councilwoman
AYES: Aitken, Bare, Harnest, Scarbrough, Kenworthy
NAYS: Jay Tobias

E. Approve funding from the General Reserve line item not to exceed \$4,000 to be used for Christmas bonuses for the staff and distributed in a tiered fashion based on seniority as shown on the Council approved tiered sheet to be given to the Town Manager

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

8. Department Reports

A. Museum Report - FrannMarie Jacinto

B. Police Report - Chief James E. Roop December 2012

C. Building Official's Report - James R. Lowery, Jr. December 3, 2012

Tobias asks about the ADA requirements for the sublet tenant, Upscale Consignments; its his understanding that the space already has occupaqncy. Mr. Lowery responds that because of the new tenant 20% of the build out must be spent on ADA accessibility

Mr. Lowery comments that he will be having surgery on the 12th. He has inspectors line up to handle inspections.

D. Town Manager's Report - Gene Swearingen December 2012

E. Treasurer's Report

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9. Citizens Time II

10. Closed Session

A. Enter into closed session pursuant to 2.2-3711 A(1) Planning Commission Vacancy and A(3) prospective leases at Town owned property

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

B. Certification 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 Town of Haymarket

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

C. Appoint Christopher Johnson to the Planning Commission for the term ending June 30, 2014

Tobias asks that a thank you be sent to Mr. Dinan on behalf of the entire Council

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

11. Councilmember Time

A. Steve Aitken - PD Update

He did a ride along with two officers last month. He found it very informative.

B. Rebecca Bare - PC Update

Bare discusses the Certified Local Government Program

The Program requires that the Town must have delineated boundaries of the historic district; which means Council needs to consider shrinking the current boundaries .

Bare would like to address a point from citizens' time. Agrees with your wife; it was beyond irreprehensible for someone to send a copy of her memo to a reporter. According to what she was told by the reporter, Mayor Leake took a picture of her memo sent it to the reporter and had an interview with him. The reporter then called her to get her comments. So she could not agree with Mrs. Leake more, anyone who would send that to a reporter should step down.

C. Katherine Harnest-ARB Update

No Comments at this time

D. Mary Lou Scarbrough

Scarbrough would like the town to look into a recycling program. She asks the Town Clerk to check into the program for the citizens of the Town.

E. Milt Kenworthy

Kenworthy comments on the Hurricane Sandy storm; he commends the police department and notes that they did a dynamite job. He could not have gotten home had they not come and cut the tree up. They were busy all night long.

F. James Tobias

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Tobias requests Aitken to check with the Chief and provide a report back to council at the next meeting where the police department stands on the Department's Accreditation Application.
G. David Leake

12. Motion to Adjourn

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

Submitted:

Approved:

Jennifer Preli, Town Clerk

David Leake

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