

Town of Haymarket – Council Session of January 10, 2012  
15000 Washington Street-Haymarket, Virginia 20169  
Mayor Pamela E. Stutz

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## **Call to Order**

Mayor Stutz calls the meeting to order at 7:00 p.m.

## **Roll Call**

Tobias, Leake, Cole, Stutz, Scarbrough, Kenworthy, Weir

Mayor Stutz would like to take care of a couple of matters before opening the public hearing.

- Announces that the Council has an appointment with legal counsel on the phone at 8:10 p.m. this evening, at which point the Council will enter into closed session.
- There will be a couple of agenda items that will be taken out of order to accommodate some before going into the closed session. She will move items 8 & 9 after item 4.

## **Public Hearing**

Mayor opens up the public hearing for all those in favor or opposed to the consideration of to consider first, the demolition of the Hulfish House, and secondly, to consider whether a proper advertisement for its sale or leasing should be placed on the Hulfish House (the grey structure behind the Town Hall) and/or whether a MLS listing should be placed for the sale or lease of the Hulfish House.

### **Pam Swinford**

ARB Chairman & Resident: 6852 Jockey Club Lane

As a resident she is in favor of the renovation of the Hulfish House. She has questions has to why we are having another public hearing. She was under the impression that we were moving ahead with the renovations. She asks if there are questions for her as an ARB member. She comments that there should be a future plan accompanying a demolition permit, to-date none has been submitted. Also, she comments that the Town people are tired of the council's bickering. This structure is sounder than the old post office. She is concerned that if the Hulfish House is demolished then some may turn their focus to the Old Post Office building.

### **Stephanie Graham**

6832 Saint Paul Drive

She has been approached by a councilmember who is in favor of demolition. She is concerned about the drug activity that has been reported to her. The Chief responds to Ms. Graham and states that, no it is not a current problem that he is aware of [drugs]. She feels that the Council has shown inaction, so there is more weight with her with the ARB. Mayor responds that if it is restored, it is the intent to rent and make it a revenue making source.

### **Phil Swinford**

6852 Jockey Club

He is in favor of continued renovation of the Hulfish House and the Red Rooster. People are frustrated with the lack of action. From what he understands the Town's primary vision is to make the Town a historic walking town. If we tear the building down, we won't have any history left to walk to. We have responsibilities to maintain our properties, the Town is showing that we are not maintaining the government properties. Anything we put there will have a cost. There has been discussion about using tax dollars. It makes him question what the rebate is for. We should use our funds to advance the prosperity of the town. If we do tear it down we should wait until November to commemorate the burning the Town in 1862.

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**Marchant Schneider**

14811 Rising Sun Lane

This is very much a personal and emotional issue for the Council. There are really three things to consider here, cost, is it historic, and what the plan of action is. Why is it that people come to Haymarket? They see value in being affiliated with "Haymarket". The buildings tell a history of the Town. Neglect and blight is clear in the room. We look to the Comprehensive Plan, he reads from the Comp Plan. He has to believe that there is enough talent on this council to come up with a great plan.

If the goal is to take the house down, ruling by committee works against itself. If we can get past the emotional attachment to this issue.

**Ralph Ring**

14920 Greenhill Crossing Drive

No one has actually said why this house is historical. When you look at it, the two buildings are on one foundation. He is one of the people who circulated the petition in favor of demolition. The biggest concern he heard was that anybody had the audacity to spend tax dollars on that structure, the sheer waste. In terms of people who seemed to be aware of the situation. Out of about 45 doors, 7 people did not sign the petition. He tried to find the historical value of the house, but couldn't. Is there a study by a historian or archaeologist? If one has been done he would like to see it. He is in favor of the demolition of that building.

**Chuck Carnahan**

6654 Hunting Path Road

He is a half of vote in both directions. If you fail to plan you plan to fail. He has yet to see the plan for that property. What's the total cost to renovate this, is \$150,000 enough. How much will it cost to operate it going forward? He thinks it's ridiculous that we will get \$28/sf when Cupcake heaven is paying \$16/sf. Is it going to be a burden on the taxpayers of the Town? It has always operated in the red. Part of our value is the use of this space. He is not in favor of either renovating it or tearing it down, he needs to see the plan.

**Sheila Jarboe**

6791 Jefferson Street

Sara's book, she was looking through it to see what she could find. However, she was sitting on the council when that building was condemned; no money was spent on renovating it. She sat on the historical commission with Sarah Turner, the building was burned and the historic value was burned with it. She would not want to move into that house when there has been that much water sitting in it. She has mixed emotions, but ultimately would like to see it come down. She would like to see money put into the Old Post Office. It is time to make a decision. She recommends that we repair the driveways of the two Harrover houses. She has not spoken with one person who is in favor of restoration of the Hulfish House.

Clerk reads aloud several emails, all attached to the minutes.

*(No Name Given)*

6856 Jockey Club Lane

She is not in favor of demolition. The towns become better because of rebuilding. She lived in Europe where they do not destroy buildings.

Mayor closes public hearing

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Mayor calls the meeting to order

## **Citizen's Time**

### **Laura White**

14567 Red House Road

She speaks about annexation. She has read newspaper articles about the possibility of annexation, but hasn't received anything from the Town. She wants to know where we are with annexation. Mayor responds that we are moving forward and we will have public hearings.

### **Chuck Carnahan**

6654 Hunting Path

Town owned property – we are truly blessed to have business that we have, they provide the bulk of our revenue each year. Is it fiscally responsible to maintain all of these buildings? He would like to know where it stops.

## **Villages of Haymarket**

### **Weir motions**

**that the Town Council approve Villages of Haymarket – Phase II, Preliminary Plat of Subdivision / Preliminary Site Plan Amendment, prepared by the KDL Group, LLC, dated February 2011, revised through December 8, 2011, BUT EXPRESSLY CONDITIONED UPON THE FOLLOWING:**

**At the time of the submission of the Villages of Haymarket – Phase II, Final Plat of Subdivision / Site Plan Amendment, and as an express pre-condition of approval of the final plat, the Applicant shall provide a maintenance agreement providing for maintenance of all such facilities in a manner acceptable to the Town and without cost to the Town for all on-site (and off-site, if applicable) storm water facilities to be installed in conjunction with the development of the subject property, in a form and in substance acceptable to the Town Council and the Town Attorney; and,**

**And further, at the time of the submission of Villages of Haymarket – Phase II, Final Plat of Subdivision / Site Plan Amendment, and as an express pre-condition of approval on the final plat, the applicant shall provide an Agreement in favor of the Town regarding the materials, installation methods, and bond amount for the off-site landscape improvements identified on Sheet 5 of the Plat, in a form and in substance acceptable to the Town Council and the Town Attorney,**

**Cole Seconds;**

**Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes**

## **Minutes**

**Tobias motions to approve the minutes of December 5 & December 19, 2011, Leake seconds**

**Ayes: 4 Abstain: Scarbrough & Cole**

## **Building Official – James R. Lowery, Jr.**

- Sherwood and Alexandra's Keep are moving along
- Weir – Asks where we stand on the permit issue with PWC. They are going to go back in their records 2 years and see how many they have issued in the Town. Weir is not interested in penalizing the homeowner. The department head will issue refunds to monies collected from Town residents.

\*\*Mayor recommends that we place this information in our newsletter

\*\*Mayor would like Mr. Lowery to report on this matter next month.

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## **Police Report – James E. Roop**

Council asks when the new cruiser will be delivered. The car is getting the lights put on it, there was a problem with the lights.

## **Zoning Permit Application**

**Weir motions that the Town Council approve Zoning Permit #20111208 for a retail store to be located at 15125 Washington Street, #100, in accordance with Section 58-177(17) of the Town Code. I further move that the Town Council approve Zoning Permit #20111118 for a business office to be located at 4430 B Costello Way, Suite 302B, in accordance with Section 58-177 (9) of the Town Code, Tobias seconds;**

**Ayes: 6 Nays: 0**

## **Planning Commission Vacancy**

**Leake motions to appoint Ed Robinson to the Planning Commission for a period of three years, Cole seconds; Discussion:** Weir has an issue with those living under the same roof serving on the boards at the same time, he had the same problem with Ozzie & Sue. Leake: for the record, he sat with Ozzie and Sue and they had completely different viewpoints.

**Tobias-Yes, Leak-Yes, Cole-Yes, Kenworthy-Yes, Weir-Abstain, Scarbrough-Abstain**

## **Bond Extension**

**Tobias motions to approve a twelve month extension for the following letters of credit issued to the Town, Cole seconds;**

Alexandra's Keep: Performance Bond #TFTS-867146, E&S #TFTS-867126, Landscaping #TFTS-867138  
Sherwood Forest: Performance Bond #TFTS-855188, E&S #TFTS-855186, Landscaping #TFTS-855187

**Tobias-Yes, Leak-Yes, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Yes**

## **Closed Session**

**Weir motions to enter into closed session pursuant to VA §15.2-2907 D for the Council to discuss and review and gather information regarding annexation matters; and 2.2-3711 A(3) discussion and consideration of real property for public purposes; and for consultation with legal counsel retained by the Town, Tobias seconds;**

**Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes, Stutz-Yes**

**Weir motions 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, Leake seconds; Discussion:**

**Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes, Stutz-Yes**

## **Appropriations**

Public Safety concerns about where he is with regard to the budget mid-way through the year.

\*\*Equipment

\*\*Set meeting with Chief for budget discussions

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\*\*Tobias asks if it's Council's pleasure to have the CFO work 15 hours on budget preparations. Council agrees and Mayor approves this and will inform the Town Manager

\*\*Have a condolence fund in FY-2013 budget, Mayor's good will fund

**Cole motions to authorize the mayor to spend discretionary funds up to the appropriated amount of \$576, Leake seconds;**

**Roll Call: Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes**  
**Leake motions to approve the reimbursement of \$69.99 to Councilman David Leake, funds to come from the Town Center Property Building Repairs 15000 Washington Street, Cole seconds; Discussion:**

The Town Attorney comments that yes, a councilmember can request to use discretionary funds for normally budgeted items. The town does not own a sump pump and given the problems we've had in the past, the Town should own a sump pump. Councilman Tobias comments that this was discussed in the last meeting that it would be on the January 10 agenda for pre-approval, but Councilman Leake went ahead and purchased it anyway.

**Tobias-Abstain, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-No**

**Leake motions to appropriate \$350,000 from the Prior Year surplus to appropriately fund the Town Center Property line item that was appropriated on December 19, 2011 for \$200,000 to renovate the Old Post Office and \$150,000 to renovate the Hulfish House, Scarbrough seconds; Discussion:** Mayor asks for the Town Attorney's input  
**Motion withdrawn by Leake, with the right to renew**

**Tobias motions to appropriate for the following Fiscal Year 2012 3<sup>rd</sup> Quarter appropriations:**

\$279,007	Capital Improvements & Repairs
\$ 3,375	Events
\$ 66,185	Operating Expenses
\$ 21,850	Public Safety
\$ 27,525	Public Works
\$ 73,725	Town Owned property

**Weir seconds;**

**Roll Call: Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes**

**Cole moves to appropriate \$3,438 from the salaries line item for the purpose of providing a \$350 bonus to each of the full-time employees, Scarbrough seconds; Discussion:** Weir comments that this is why this type of allocation shouldn't happen at the end of the meeting, it was poorly thought out and dropped on council at the last minute in December and ultimately was wrong, and now has to be corrected. There is a policy and procedure in place for a reason, he does not agree with this.

**Tobias-No, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-No**

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**Brick sidewalks – Holly Montague, Town Engineer**

The Town Engineer explains that there has been a change order to the sidewalk repair that requires some additional funding.

**Tobias motions to appropriate \$2,818 from Capital Improvements/Town Center Property for the completion of the repairs of the brick sidewalk from Coach Way to Saint Paul Drive, Scarbrough seconds;**

**Discussion:** Weir is curious when this happened, because the Town Manager was supposed keep him informed of the sidewalk repairs. He was never informed of this, but understands that other Council members were informed.

**Roll Call: Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes**

**Mayor**

After discussions in the above motion, the Mayor would like to request all of our council members to discontinue calling our staff having what she would consider creation of a hostile environment, which she feels is beginning to show, with questions about expenditures that they have the right to spend. So from now on if any council members have questions for our staff to call her or the Town Manager, because surprisingly enough Bob [Weir], she is the last one to know about a \$100 argument over a sign. Weir responds, with all due respect Madam Mayor, the Town Clerk reports to us [council] it is addressed in the policy manual that she responds to the Council. That is how it is written in the policy manual, none of the other council members read it, but that is how it is. The mayor responds "To me you are creating a hostile work environment". Weir responds, no ma'am, we are asking the Town Clerk to provide us with information, which is her duty and it is described as such in the personnel manual. She does respond to the Town Council, and quite frankly, not the Mayor. The Mayor responds that he may be right; she will have to check into it. The Town Attorney would like to clarify one thing, if she reports to council, she reports to council as a whole. The Mayor responds that we will bring that up in closed session at the next meeting.

**Tobias motions to continue this meeting to January 23, 2012, Weir seconds;**

**Ayes: 6      Nays: 0**

Submitted:

Approved:

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Jennifer Preli, Town Clerk

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Pamela E. Stutz, Mayor