

Town Council meeting of Monday March 7, 2011 7:00 p.m.  
Mayor Pamela E. Stutz  
15000 Washington Street~Suite 100~Haymarket, VA 20169

## PUBLIC HEARINGS

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

Pledge of Allegiance

Roll Call: Brinson, Tobias, Cole, Stutz, Scarbrough, Kenworthy, Weir

Tonight's agenda has two joint public hearings with the Planning Commission

Chair Bare calls to order the Planning Commission's public hearing on the Haymarket Ice Rink Preliminary Site plan and special exceptions and a special use permit for an in-home business.

Roll Call: Bare, Ivancic, Weir, Jarboe

### **Haymarket Ice Rink**

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**Jarboe motions to forward the Preliminary site plan, #PRE20110302, for the Haymarket Ice Rink to be located at 15151 Washington Street, Ivancic seconds;**

**Ayes: 4**

**Nays: 0**

**Absent: Graham**

### **Special Use Permit**

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**Ivancic moves to forward Special Use Permit Application #SUP20110202, Wonderful Work Photography as an in-home business to be located at 6746 Sycamore Park Drive, with a recommendation of approval, Jarboe seconds;**

**Ayes: 4**

**Nays: 0**

**Absent: Graham**

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**Ivancic moves to adjourn the special meeting of the Planning Commission, Jarboe seconds;**

**Ayes: 4**

**Nays: 0**

**Absent: Graham**

### **Town Council Public Hearings**

Mayor opens the public hearings

- Haymarket Ice Rink  
No Public Comment
- Wonderful Works Photography  
No Public Comment

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**Public Hearing for condemnation proceedings**

Parcel 1 – 14891 Washington Street - Evans

Marika Evans. She is not happy with the whole thing. She is concerned about her sign. She is also concerned about the turn radius that it will take up some existing parking. She wants the sign re-installed and the landscaping installed she is not concerned with money; she simply wants the work done by the Town. Mr. Brian Kirkindall, of 2413 Lookout Road, Haymarket speaks on Mrs. Evans' behalf. He also would like to know if the sign comes down, does she lose her "non-conforming" status and will she have to go through the long process of re-approval?

Parcels 2 & 4– 14900 Washington Street – Haymarket 1, LC & Haymarket 2, LC

Peg Contrucci. She and her husband are the owners of Haymarket 1 & 2 LC. Her primary concern is that she will lose at least 1 parking space at the apartment house and she just cannot afford to lose one space for those tenants. She had made a recommendation of adjoining the parking areas of her two lots. She is trying to work towards a solution on this and realizes that the sidewalks are a good thing for the Town. She is not against the project, but she cannot jeopardize the usability of her parcels. She believes that the taking of land in easement and paying only 20% [because it is an easement] is wrong. She loses her whole bundle of sticks with regard to property rights for the area encumbered by the easement; she feels she deserves 100% of the value of that land. Mrs. Contrucci offers up some suggestions since she was here during the Phase II construction. Some businesses lost total access during the Phase II construction. She hopes that we plan that phase well. It was awful on the business and land owners. Also, the street lights will be shining into second story apartments; she recommends a shielding of some kind. Water meters, actually crocks for water meters should be on the property owner side, so that the sidewalk is not encumbered when the property needs to access the crock.

Parcel 3 – 14881 Washington Street – Rebecca Cohen-Pardo

For the record, same argument, per Mr. Kirkindall as on Parcel 1.

Parcel 5, 7 & 9 – Maria Rafferty

When they bought the property it was in the Town plan that her properties would be future commercial, per the Town's Comprehensive Plan. That future designation was changed in 2008 to residential. She has never understood what sense that change made. Now that they are rented residentially, the Town is installing a commercially designed street-scape. She is concerned about the loss of land; she will need it for setbacks. She is happy to get the sidewalks and it will look more attractive

Parcel 6 – Benjamin M. Smith, Jr.

No Public Comment

Parcel 8 – Ahn

No Public Comment

Parcel 10 – Verna

Nick Verna. He believes that the sidewalk will really help the business he leases to [VCA Healthy PAWS]. The sign belongs to his tenant (VCA). Impact to access will negatively affect their business. The sign has been approved by the town and is in the way, what will they have to go through to re-install? He also brings up a concern over access to the business during construction and hopes the Town has a good plan.

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Parcel 11 – Acie Watts

Dottie Leonard is speaking on behalf of Mr. Watts. Their main concern is the inadequate value that has been placed on the property. She loves the brick sidewalks, they were her idea. The narrow depth of the parcels could leave them too short to develop. She states that he was offered \$1,000,000 for his property by a funeral home; it was historically a funeral home. He came up short on his property size because it had been taken by Greenhill Crossing. When the Town down-planned his property [from future commercial use to future residential use] it took away the property's value. It is concerning to all that he is at an elderly age, his retirement has been encroached upon and down planned by the Town. His battle would be won without question when he goes to court. He has lost at least \$500,000 in value by the Town changing the future land use designation.

Parcels 12 & 14 – Trustee of the Haymarket Baptist Church

Town Manager asks that those two parcels be pulled off tonight.

Parcel 17 – Dottie Leonard

Dottie Leonard. Her issue is the amount of money being offered. She is already zoned commercial. She wonders why Woodbridge parcels were used as comps in her appraisal report; she thinks Gallaher Road would be a good comp to use. One discrepancy on the appraisal report is that it shows her parcel has been sold within the last five years, it has not been sold within the last five years. People let their dogs go to the bathroom. Every time she goes out of town something happens to negatively affect her. The amount she is being offered isn't even coming close to what her property is worth. She just found out about this public hearing on Friday from the Town Manager.

Discussion by Council

Council asks to be briefed in closed session and invite Randy Culpepper, Robert Dively, & Gene Swearingen.

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**Tobias motions to enter into closed session pursuant to 2.2-3711 A(3) to discuss and consider the acquisition of real property for public purpose mainly the parcels for which the public hearing was just held for the Washington Street Enhancement Project, Weir seconds;**

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

**Weir motions certification of the closed session, that the only items discussed in the closed session were those noted in the motion to enter:**

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

Robert Dively, Legal Counsel for the Town for the Imminent Domain Proceedings

Mr. Dively introduces himself to the public and offers a briefing on the process of tonight's resolutions. He states he works for the Town. The Town has taken this project very seriously. The resolutions are authorization only not commencement for the staff to move forward on the condemnation process. The Town will proceed with those resolutions with amendments. The last paragraph will say "however, no imminent domain will commence prior to April 5". That allows time for the Town to come to agreements with the property owners. The Town will address two items immediately. First, shielding of the lights so the glare doesn't go into second story buildings and moving of the signs [commercial] be handled in an expeditious manner. There are other things that are a bit more complicated and hopefully can be addressed within the next month.

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The general condemnation process has two stages. The town, state, and federal government can take the property without an agreement with the property owners. Certificates of "take" act in the same manner as a deed. After that the certificate is filed (the feasible title) there is a petition filed with the court to confirm the take. Reasonable, fair Market value is the appraisal. He has looked at the appraisals and the appraisals have been reviewed by an authorized Appraisal Review Specialist. The value of the property that matters is when the take is filed. If you think the appraisal is wrong, the property owner should obtain another appraisal. Mrs. Rafferty asks about the final resolutions can she get a copy, clerk will forward those to her.

**RESOLUTION NO. 20110307-1**

Parcel 001

Motioned by Weir, Seconded by Tobias

Brinson-Aye, Tobias-Aye, Cole-Aye, Scarbrough-Aye, Kenworthy-Aye, Weir-Aye

Re: A RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED BY JOHN R. EVANS AND MARIKA PARDO EVANS, i.e., 14891 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7297-99-4363

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of approximately 316 square feet land in fee of the property owned by John R. Evans and Marika Pardo Evans, i.e., 14891 Washington Street, Haymarket, VA 20169 with GPIN: 7297-99-4363; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 1079 square feet, a utility easement of approximately 229 square feet, a temporary construction easement of approximately 431 square feet, and improvements on portions of said property; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of (1) approximately 316 square feet land in fee of said property and (2) a permanent easement of approximately 1079 square feet, a utility easement of approximately 229 square feet, a temporary construction easement of approximately 431 square feet, and improvements on portions of said property, are necessary for the Haymarket Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law; however no eminent domain/condemnation action shall occur prior to April 5, 2011

**RESOLUTION NO. 20110307-2**

Parcel 002

Motioned by Weir, Seconded by Cole

Brinson-Aye, Tobias-Aye, Cole-Aye, Scarbrough-Aye, Kenworthy-Aye, Weir-Aye

Re: A RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED BY HAYMARKET 1, L.C., A VIRGINIA LIMITED LIABILITY COMPANY, i.e., 14900 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7297-99-5081

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 349 square feet, a utility easement of approximately 1340 square feet, a temporary construction easement of approximately 538 square feet, and improvements on portions of the property owned by Haymarket 1, L.C., a Virginia limited liability company, i.e., 14900 Washington Street, Haymarket, VA 20169 with GPIN: 7297-99-5081; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of a permanent easement of approximately 349 square feet, a utility easement of approximately 1340 square feet, a temporary construction easement of approximately 538 square feet, and improvements on portions of said property, are necessary for the Haymarket Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law; however no eminent domain/condemnation action shall occur prior to April 5, 2011

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**RESOLUTION NO. 20110307-3**

Parcel 003

Motioned by Weir, Seconded by Tobias

Brinson-Aye, Tobias-Aye, Cole-Aye, Scarbrough-Aye, Kenworthy-Aye, Weir-Aye

Re: A RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED BY REBECCA COHEN-PARDO, i.e., 14881 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7297-99-5158

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of approximately 171 square feet land in fee of the property owned by Rebecca Cohen-Pardo, i.e., 14881 Washington Street, Haymarket, VA 20169 with GPIN: 7297-99-5158; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 852 square feet, a utility easement of approximately 1228 square feet, and a temporary construction easement of approximately 377 square feet on portions of said property; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of (1) approximately 171 square feet land in fee of said property and (2) a permanent easement of approximately 852 square feet, a utility easement of approximately 1228 square feet, and a temporary construction easement of approximately 377 square feet on portions of said property, are necessary for the Haymarket Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law; however no eminent domain/condemnation action shall occur prior to April 5, 2011

**RESOLUTION NO. 20110307-4**

Parcel 004

Motioned by Weir, Seconded by Cole

Brinson-Aye, Tobias-Aye, Cole-Aye, Scarbrough-Aye, Kenworthy-Aye, Weir-Aye

Re: A RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED BY HAYMARKET 2, L.C., A VIRGINIA LIMITED LIABILITY COMPANY, i.e., 14890 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7297-99-5876

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 426 square feet, a utility easement of approximately 2173 square feet, a temporary construction easement of approximately 520 square feet, and improvements on portions of the property owned by Haymarket 2, L.C., a Virginia limited liability company, i.e., 14890 Washington Street, Haymarket, VA 20169 with GPIN: 7297-99-5876; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of a permanent easement of approximately 426 square feet, a utility easement of approximately 2173 square feet, a temporary construction easement of approximately 520 square feet, and improvements on portions of said property, are necessary for the Haymarket Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law; however no eminent domain/condemnation action shall occur prior to April 5, 2011.

**RESOLUTION NO. 20110307-5**

Parcel 005

Motioned by Weir, Seconded by Cole

Brinson-Aye, Tobias-Aye, Cole-Aye, Scarbrough-Aye, Kenworthy-Aye, Weir-Aye

Re: A RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED BY WILLIAM EARL RAFFERTY AND MARIA O'SULLIVAN RAFFERTY, i.e., 14871 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7297-99-5953

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of approximately 221 square feet land in fee of the property owned by William Earl Rafferty and Maria O'Sullivan Rafferty, i.e., 14871 Washington Street, Haymarket, VA 20169 with GPIN: 7297-99-5953; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 1134 square feet, a utility easement of approximately 3434 square feet, a temporary construction easement of approximately 818 square feet, and improvements on portions of said property; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of (1) approximately 221 square feet land in fee of said property and (2) a permanent easement of approximately 1134 square feet, a utility easement of approximately 3434 square feet, a temporary construction easement of approximately 818 square feet, and improvements on portions of said property, are necessary for the Haymarket Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law; however no eminent domain/condemnation action shall occur prior to April 5, 2011

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**RESOLUTION NO. 20110307-6**

Parcel 006

Motioned by Weir, Seconded by Cole

Brinson-Aye, Tobias-Aye, Cole-Aye, Scarbrough-Aye, Kenworthy-Aye, Weir-Aye

Re: A RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED BY BENJAMIN M. SMITH, JR., i.e., 14860 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7297-99-8182

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of approximately 143 square feet land in fee of the property owned by Benjamin M. Smith, Jr., i.e., 14860 Washington Street, Haymarket, VA 20169 with GPIN: 7297-99-8182; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 2704 square feet, a utility easement of approximately 7594 square feet, and a temporary construction easement of approximately 2204 square feet on portions of said property; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of (1) approximately 143 square feet land in fee of said property and (2) a permanent easement of approximately 2704 square feet, a utility easement of approximately 7594 square feet, and a temporary construction easement of approximately 2204 square feet on portions of said property, are necessary for the Haymarket Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law; however no eminent domain/condemnation action shall occur prior to April 5, 2011.

**RESOLUTION NO. 20110307-7**

Parcel 007

Motioned by Weir, Seconded by Tobias

Brinson-Aye, Tobias-Aye, Cole-Aye, Scarbrough-Aye, Kenworthy-Aye, Weir-Aye

Re: A RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED BY WILLIAM E. RAFFERTY, i.e., 14845 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7297-99-6849

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of approximately 225 square feet land in fee of the property owned by William E. Rafferty, i.e., 14845 Washington Street, Haymarket, VA 20169 with GPIN: 7297-99-6849; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 1950 square feet, a utility easement of approximately 1999 square feet, a temporary construction easement of approximately 694 square feet, and improvements on portions of said property; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of (1) approximately 225 square feet land in fee of said property and (2) a permanent easement of approximately 1950 square feet, a utility easement of approximately 1999 square feet, a temporary construction easement of approximately 694 square feet, and improvements on portions of said property, are necessary for the Haymarket Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law; however no eminent domain/condemnation action shall occur prior to April 5, 2011.

**RESOLUTION NO. 20110307-8**

Parcel 008

Motioned by Weir, Seconded by Tobias

Brinson-Aye, Tobias-Aye, Cole-Aye, Scarbrough-Aye, Kenworthy-Aye, Weir-Aye

Re: A RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED OF RECORD BY DUK HWAN AHN AND HEE JA AHN, i.e., 14850 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7397-09-1178 ACCORDING TO THE PRINCE WILLIAM COUNTY GOVERNMENT

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of approximately 195 square feet land in fee of the property owned of record by Duk Hwan Ahn and Hee Ja Ahn, i.e., 14850 Washington Street, Haymarket, VA 20169 with GPIN: 7397-09-1178 according to the Prince William County Government; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 944 square feet, a utility easement of approximately 2491 square feet, a temporary construction easement of approximately 673 square feet, and improvements on portions of said property; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of (1) approximately 195 square feet land in fee of said property and (2) a permanent easement of approximately 944 square feet, a utility easement of approximately 2491 square feet, a temporary construction easement of approximately 673 square feet, and improvements on portions of said property, are necessary for the Haymarket Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law; however no eminent domain/condemnation action shall occur prior to April 5, 2011.

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**RESOLUTION NO. 20110307-9**

Parcel 009

Motioned by Weir, Seconded by Cole

Brinson-Aye, Tobias-Aye, Cole-Aye, Scarbrough-Aye, Kenworthy-Aye, Weir-Aye

Re: A RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED BY WILLIAM E. RAFFERTY, i.e., 14851 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7297-99-7243

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of approximately 36 square feet land in fee of the property owned by William E. Rafferty, i.e., 14851 Washington Street, Haymarket, VA 20169 with GPIN: 7297-99-7243; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 306 square feet, a utility easement of approximately 246 square feet, a temporary construction easement of approximately 93 square feet, and improvements on portions of said property; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of (1) approximately 36 square feet land in fee of said property and (2) a permanent easement of approximately 306 square feet, a utility easement of approximately 246 square feet, a temporary construction easement of approximately 93 square feet, and improvements on portions of said property, are necessary for the Haymarket Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law; however no eminent domain/condemnation action shall occur prior to April 5, 2011

**RESOLUTION NO. 20110307-10**

Parcel 010

Motioned by Weir, seconded by Brinson

Brinson-Aye, Tobias-Aye, Cole-Aye, Scarbrough-Aye, Kenworthy-Aye, Weir-Aye

Re: A RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED BY NICHOLAS J. VERNA AND REBECCA L. G. VERNA, i.e., 14840 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7397-09-0555 ACCORDING TO THE PRINCE WILLIAM COUNTY GOVERNMENT

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of approximately 269 square feet land in fee of the property owned by Nicholas J. Verna and Rebecca L. G. Verna, i.e., 14840 Washington Street, Haymarket, VA 20169 with GPIN: 7397-09-0555 according to the Prince William County Government; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 1837 square feet, a utility easement of approximately 2934 square feet, a temporary construction easement of approximately 885 square feet, and improvements on portions of said property; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of (1) approximately 269 square feet land in fee of said property and (2) a permanent easement of approximately 1837 square feet, a utility easement of approximately 2934 square feet, a temporary construction easement of approximately 885 square feet, and improvements on portions of said property, are necessary for the Haymarket Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law; however no eminent domain/condemnation action shall occur prior to April 5, 2011

**RESOLUTION NO. 20110307-11**

Parcel 011

Motioned by Weir, Seconded by Brinson

Brinson-Aye, Tobias-Aye, Cole-Aye, Scarbrough-Aye, Kenworthy-Aye, Weir-Aye

Re: A RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED BY ACIE MONTAGUE WATTS, i.e., 14841 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7297-99-8042

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of approximately 459 square feet land in fee of the property owned by Acie Montague Watts, i.e., 14841 Washington Street, Haymarket, VA 20169 with GPIN: 7297-99-8042; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 2876 square feet, a utility easement of approximately 2344 square feet, a temporary construction easement of approximately 906 square feet, and improvements on portions of said property; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of (1) approximately 459 square feet land in fee of said property and (2) a permanent easement of approximately 2876 square feet, a utility easement of approximately 2344 square feet, a temporary construction easement of approximately 906 square feet, and improvements on portions of said property, are necessary for the Haymarket Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law; however no eminent domain/condemnation action shall occur prior to April 5, 2011.

Town Council meeting of Monday March 7, 2011 7:00 p.m.  
Mayor Pamela E. Stutz  
15000 Washington Street~Suite 100~Haymarket, VA 20169

**RESOLUTION NO. 20110307-12**

Parcel 017

Motioned by Weir, Seconded by Cole

Brinson-Aye, Tobias-Aye, Cole-Aye, Scarbrough-Aye, Kenworthy-Aye, Weir-Aye

Re: A RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED BY CHARLES J. LEONARD AND DOTTIE W. LEONARD, i.e., 14801 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7397-09-1220

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 1106 square feet, a utility easement of approximately 6067 square feet, and improvements on portions of the property owned by Charles J. Leonard and Dottie W. Leonard, i.e., 14801 Washington Street, Haymarket, VA 20169 with GPIN: 7397-09-1220; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of a permanent easement of approximately 1106 square feet, a utility easement of approximately 6067 square feet, and improvements on portions of said property, are necessary for the Haymarket Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law; however no eminent domain/condemnation action shall occur prior to April 5, 2011

\*\*Mayor directs the town manager to coordinate negotiations with these property owners, however, parties other than the Town Manager may be involved.

**Tobias motions to authorize the clerk to advertise a public hearing pertaining the sale or donation of the public land for the Washington Street Enhancement Project Phase IA for April 4, 2011, Cole seconds**

**Ayes: 6**

**Nays: 0**

**Citizen's Time**

- **Maria Turner**  
She asks the Town Council to look into the possibility of dead ending Fayette Street at Jefferson. The trips from Payne Lane to Jefferson Street is 730 per day. There are more than 6 small children on that street and it has become dangerous.
- **John Mossgrove – Represents Daisy Wood**  
Requests to add Haymarket Ice Rink Preliminary Site plan and waiver to the agenda.

The Mayor reads, for the record, an email from Jack Kapp  
Email attached

**Agenda Amendment**

\*\*\*\*\*

**Weir moves to amend the agenda to add Special Use Permit #SUP20110202 and Preliminary Site Plan with waivers for Haymarket Ice Rink #PRE20110302, Tobias seconds;**

**Ayes: 6**

**Nays: 0**

**Minutes**

\*\*\*\*\*

**Cole motions to approve the minutes of February 7 & 8, 2011, Tobias seconds;**

**Ayes: 6**

**Nays: 0**



Town Council meeting of Monday March 7, 2011 7:00 p.m.  
Mayor Pamela E. Stutz  
15000 Washington Street~Suite 100~Haymarket, VA 20169

**Building Official**

Brinson asks about asbestos and lead based paint being present in the Utterback house. Mr. Lowery states that it most assuredly has lead based paint and believes that there is asbestos in the roof.

\*\*\*\*\*

**Cole motions to adopt the 2009 Virginia Uniform Statewide Building Code; 2009 International Building Code; 2009 International Residential Code; 2009 International Mechanical Code; 2009 International Fuel Gas Code; 2009 International Plumbing Code; 2008 National Electrical Code; 2009 International Energy Conservation Code; 2009 International Existing Building Code; 2009 International Property Maintenance Code, Kenworthy seconds;**

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

**Police Report**

Brinson asks about suspicious vehicle report. Tobias asks about the renovation project going on at the department building. He is going to paint the outside. Tobias comments that there have been numerous volunteers. Tobias, the Chief asks for permission to pay \$20 per hour, he has applied with the ARB. Tobias asks if he can hold off painting the exterior of the building until after the 15<sup>th</sup> continuation meeting. Tobias asks about removal of two of the sheds at the PD property. Mayor would like something in writing. Brinson would like any budget items included in the report.

**Event Coordination Proposal**

Kim Ingalls & Gerry Kennedy proposes to manage the existing Town events and plan to add additional events. They will cover the cost of the police; they will cover the cost of the staff for event day and for using them throughout their normal work day for any excessive amount of time, which will add up to about \$4,000 per year.

**Tobias motions to defer the Event Coordination Proposal from ATTIVA Corp. to the March 15 continuation meeting, Cole seconds;**

**Ayes: 6**

**Nays: 0**

Brinson asks how long the agreement last for. Kim suggests one year, then revisit.

**Alexandra's Keep appeal of an ARB Decision**

Mark Gigante with D.R. Horton apologizes for no one being present at the last meeting, they had a change in staff. Mr. Gigante withdraws his appeal of the ARB denial and requests to modify his application and go back to the ARB for their review and approval.

\*\*\*\*\*

**Weir motions to refer the application for Certificate of Appropriateness for the Townhomes at Alexandra's Keep back to ARB for the March 16 meeting and table any further consideration of the application for the Special Use Permit, Tobias seconds;**  
**Brinson-Yes, Tobias-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes**

Town Council meeting of Monday March 7, 2011 7:00 p.m.  
Mayor Pamela E. Stutz  
15000 Washington Street~Suite 100~Haymarket, VA 20169

**Site Plan Amendment – Piedmont Tire & Auto**

Site Plan amendment is for a reduction of the storm water maintenance facility on the recently approved Piedmont Tire & Auto Site Plan.

\*\*\*\*\*

**Weir motions that the Town Council approve Minor Site Plan Amendment AFSP#20110301, Piedmont Tire & Auto Final Site Plan Revision, prepared by Christopher Consultants and dated April 2010, revised through February 28, 2011, signed and sealed March 1, 2011, in accordance with Section 58-510 of the Town Code and upon payment of the \$500 fee, Tobias seconds;  
Brinson-Yes, Tobias-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes**

**Haymarket Ice Rink**

\*\*\*\*\*

**Weir motions that the Town Council approve Preliminary Site Plan PRE#201100302, Haymarket Ice Rink Preliminary Site Plan, prepared by Christopher Consultants and dated January 2011, revised through March 1, 2011; and Pursuant to Section 58-699(c), I further move that Town Council approve an alternative screen in lieu of the screening requirements of Section 58-702; specifically, a buffer yard reduction from 35 feet (35') to 25 feet (25') adjacent to an R-1 zoning district as depicted on Sheets 2 and 3 of the Haymarket Ice Rink Preliminary Site plan, subject to the following condition:**

*Any future change of use on the subject property requiring a site plan or amendment to an existing site plan will require compliance with screening requirements of Section 58-702 of the Zoning Ordinance; and*

**I further move that a waiver of the requirements of Section 58-702 for the above-mentioned buffer yard is hereby granted, subject to the above development condition  
Cole seconds;**

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

**Zoning Permits**

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**Weir motions that the Town Council approve Zoning Permit 20110214 for a service station without fuel sales with repair under roof at 15151 Washington Street in accordance with Section 58-257(15) of the Town Code, Kenworthy seconds;**

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

\*\*\*\*\*

**Weir motions that the Town Council approve Zoning Permit 20110208 for offices, general or professional, at 6735 Hunting Path Road in accordance with Section 58-177(9) of the Town Code, Tobias seconds;**

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

\*\*\*\*\*

**Weir motions that the Town Council SUP#20110202, Wonderful Works Photography, for an in-home occupation at 6746 Sycamore Park Drive as described on the Special Use Permit Application dated February 2, 2011 and narrative dated February 7, 2011, pursuant to Section 58-98(8) of the Zoning Ordinance, and subject to the development standards of Section 58-16, Home occupations; and**

**I further move that the SUP shall remain in effect for a period of one year, to renew automatically for additional periods of one year, BUT EXPRESSLY CONDITIONED UPON THE FOLLOWING: Council may require, upon a majority vote, after notice to the applicant, for the applicant (or present property owner) to submit a new application for an SUP, which shall be treated in all respects as a new and different application, subject to approval or disapproval, in accordance with general principles of law for a new application. If such notice is given to the applicant or present property owner, this SUP shall terminate automatically and without further notice or action by the Council 60 days from the giving of such notice, Cole seconds; Brinson-Yes, Tobias-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes**

#### **Treasurer's Report**

Budget 2012

Tobias asks that everyone reviews the proposal and discuss on the 15<sup>th</sup> at the continuation meeting. He recommends scheduling a budget work-session, 6pm on the 19<sup>th</sup>.

\*\*Weir would like all fire stations invited to ask for the fire funds. 4, 24, & 15, their deadline should be by April 30.

Brinson clarifies that he sent to Tobias because he understood he is the liaison to the Treasurer. James is available by appointment only, to meet with up to 2 council members at one time.

#### **Piedmont Mews**

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**Weir motions that the Town Council approve the subdivision plat titled "Piedmont Mews Re-subdivision of Parcel 1A of the Partition and Allotment of the Land of Aubrey King Estate and Parcel "C" Piedmont Mews", prepared by Bowman Consulting and dated June 1, 2010, revised through February 21, 2011, and its associated Deed of Re-subdivision, Easement, and Vacation, subject to, and conditioned upon, the following:**

- a. **Recordation of all plats and documentation which includes, among other matters, a 15 foot utility easement along the front of Parcel 1A1 and also a private utility easement at the rear of the Parcel 1A1 in a form and substance as approved by the Town Attorney; and**
- b. **Payment of all costs, fees and expenses due the Town; and**
- c. **The foregoing two conditions to be completed and satisfied within 180 days of the date of Town Council approval, otherwise the approval to be void and of no further effect.**

Town Council meeting of Monday March 7, 2011 7:00 p.m.  
Mayor Pamela E. Stutz  
15000 Washington Street~Suite 100~Haymarket, VA 20169

**Cole seconds;**

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

**Contract Renewal/American Disposal**

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**Tobias motions to defer the consideration of the contract renewal with American Disposal until March 15 with direction to the Town Attorney and Town Manager to clarify the landfill disposal fee, Weir seconds;**

**Ayes: 6**

**Nays: 0**

**Utterback House**

Brinson – met with PWC historic preservation regarding the Hullfish/Utterback house. They were able to get some prices for doing a semi-demo (diagram attached). The highlighted areas are the demo areas. The figure of \$50,000 to stabilize only. They do have a back log and they may have to contract out some of the work.

Weir asks the Town Manager what the low bid was on total demolition. He responds that the low bid was approximately \$8,700.

Cole wonders if we could find out where we could fit into their schedule. Brinson states that at the end of the day we could lose money by just demoing. He favors the partial demolition because of the community interest.

**Town Manager's Report**

- Town Manager asks that the Town Attorney become involved in the contract negotiations with B&N
- Parking limitations on Hunting Path request from Tobias. The Town Manager has a meeting with VDOT on Wednesday morning. Council asks the Town Manager to ask about the Fayette request
  - Fayette Street
  - Crosswalk
  - Hunting Path
- Town Manager asks to use prior year insurance proceeds for some repairs that need to be done at the museum

\*\*\*\*\*

**Cole moves to appropriate \$3,000 for repairs at 15025 Washington Street (Museum), funds to come from the Town Center Property Capital Improvements and Repair, Scarbrough seconds;**

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

\*\*Security System for the 15<sup>th</sup>

\*\*Harrover property proposal for the 15<sup>th</sup>

\*\*April 13 for April continuation meeting.

Town Council meeting of Monday March 7, 2011 7:00 p.m.  
Mayor Pamela E. Stutz  
15000 Washington Street~Suite 100~Haymarket, VA 20169

\*\*\*\*\*

**Weir moves to continue to this meeting to March 15<sup>th</sup>, Cole seconds;**

**Ayes: 6**

**Nays: 0**

Submitted:

Approved:

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Jennifer Preli, Town Clerk

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Pamela E. Stutz, Mayor