

Town of Haymarket – Council Session of January 23, 2012
15000 Washington Street-Haymarket, Virginia 20169
Mayor Pamela E. Stutz

Call to Order

Vice Mayor Cole calls the meeting to order at 7:02 p.m.

Roll Call

Tobias, Leake, Cole, Scarbrough, Kenworthy, Weir
Mayor is absent at this time

I-66 Projects – Holly Montague, Town Engineer

Widening to Haymarket

The Town Engineer informs the Council that she has verified the sound wall locations on the preliminary plan from VDOT; it will be through the entire town with the exception of the north east corner of Old Carolina Road.

Interchange

VDOT has done some further analysis on the three recommended options. Now they are ready to make a decision. Modified diamond has a failure; she does not recommend this option moving forward. We are left with the semi-directional and the single point urban interchange (SPUI). The semi-directional works best, and works past the year 2036. There are some cons, what makes this work so well is the fly-over ramp. The other issue is the huge taking of right-of-way on Quarles and the Fairgrounds. The SPUI - There is one signal treating all of the ramps. Drawback is that it is difficult to construct. It will be hard on drivers during construction. It will be at capacity in its design in 2036. There is no right of way take associated with the SPUI. She would like input from council. Deadline is Feb. 6 for the VDOT report. **She would like suggestions from TC by January 30.

Council comments on their personal view:

Tobias: #3 SPUI
Weir: None of the above. He is not concerned with the potential loss of right-of-way. He feels VDOT should go back to the drawing board and come up with a cloverleaf that works.
Kenworthy: #3
Scarbrough #3
Cole: SPUI, he would also like them to investigate other areas
Leake No comment

Comments to VDOT: None of the solutions (attached) presented this evening fit the Town's needs.

Haymarket Self Storage – Marchant Schneider, Town Planner

There has been recreational vehicle and boat storage behind Haymarket Self Storage on the Wolf property. There are proffers on this property. They would like to submit a grading plan in lieu of a full site plan. The grading plan may trigger a need for a proffer amendment.

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House Bill No. 92

Tobias motions to adopt resolution #20120123 (attached to minutes) in support of House Bill No. 92 that amends §15.2-2223.1 making the incorporation of Urban Development areas optional rather than mandatory, Weir seconds;

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

Streetscape Appropriation

Tobias motions to authorize the expense of \$9,845.17 to Verizon, for the services of preliminary engineering, from the appropriated line item of Streetscape Expenditures, Weir seconds;

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

Council Member Time

- Tobias-Not at this time, he reserves the right to speak when mayor is present
- Leake-Nothing
- Scarbrough-Nothing
- Kenworthy
- Weir-reserve for when Mayor is present

Town Manager's Report

Old Post Office – We had worked with Payne Construction on the partial demo of the Hulfish House. He has started some work at the Old Post Office. The structural engineer said that it is not in near as bad shape as he thought it was. He is putting together a report for the course of work. The Town Manager has continued speaking with potential tenants.

Weir asks where we stand to date the cost of Payne's repairs and the structural engineer. so far Payne has been paid \$6,400. Tobias asks why the cost is 30% more than the estimate. The structural engineer added some additional work, so that cost was added. The Town Manager does not have numbers from the Structural Engineer. Do we have an anticipated cost of the 60-90 days? Not at this time. Is there a contract with the structural engineer for the additional work? There is a clause in his contract that gives an hourly rate. Weir asks if there is a plan over and above the 3 feet of removal on the siding? It depends on what is revealed. Given item 12 on the agenda has not been addressed. Weir doesn't believe that council has made their wish known. Until we get to that point and how we are going to handle the expenditures. Town Manager is not ready to move forward without a work plan. Weir disputes whether that action was approved or not.

****Mayor Stutz enters meeting at 7:57 p.m.**

Leake asks if there is any interest from a lease stand point. There have been inquiries, nothing serious. Tobias asks if there are any other proposals from real estate companies. He is concerned about the high rental rate proposed in Garcia's bid. Weir asks where we stand on the ROI. ****Treasurer had put something together and we will present to the Town Council in February.**

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Parliamentary Procedures

Mr. Weir has submitted a letter (attached) for the chair to reconsider an earlier decision of council; the Town Attorney comments that the letter incorrectly states parliamentary procedure. Weir asks if he is supposed to take it that his interpretation of Roberts Rules are incorrect and Council's actions are proper, especially in light of the fact that we haven't even complied with our own spending policy. John Bennett: Council can change policies. There is an allocation of funds with an undefined scope of work (Weir). There is a policy for an allocation and an expense, we have a policy, and there was no waiver of that policy. It appears to Weir that we are circumventing our own policies. We set the policy up to be fiscally responsible. His readings of Roberts Rules are clear. He thinks the public has a right to know the return of investment, before we do any more spending lets have a plan, let's have ROI, lets follow our own policies. It seems to him that there s a different set of rules being applied to two council members.

Tobias: Bob speaks eloquently about the topic. There is a spending policy in place. He does find it odd that a certain motion that gets made that does not conform to the views of the chair and one or two other council members cannot be reconsidered. He understands what the intent may have been, but we don't operate on intent, the spending policy is in black and white.

Cole-We need to spend some exploratory funds

Scarborough-We need to have a plan, she agrees, which is why we hired a structural engineer.

Kenworthy-A plan is what we need, we need to stop monkeying around year after year

Tobias recommends a little historical research and title search be done on the house.

Mayor-addresses the newspaper article, she asks Mr. Weir if he has ever known a reporter to misinterpret anything?

The policy procedure is what Weir is concerned about, she asks why it hasn't been mentioned at all during this process? Tobias asks why would there be mention of a policy that has already been adopted and is in effect, there is a presumption that it is being followed? Mayor comments on the historical research, quite a bit has already been done, she refers to the PIF application. **She asks the Clerk to provide Council with the "Preliminary Information Form (PIF) Application to VA Department of Historic Resources. It seems to her [Mayor] that all we are doing is procrastinating by going back to do the historic research.

Weir: Decision has not been made. There seems to be a substantial question as to the basis, if Hulfish ever lived there.

**Send the PIF to Council along with the pictures that were provided by the Hulfish descendant.

Tobias motions to table discussion of the Hulfish House until the Council has had sufficient time to review the PIF's that were submitted to Department of Historic Resources, Weir seconds;

Ayes: 4

Nays: 2 (Cole & Leake)

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The Town Manager explains that he thought the direction given at the December meeting was to move forward with renovations. Cole believes that, yes, we do need a plan. But we have to get into those houses to see how to move forward. Therefore, some exploratory funds are needed.

Cole motions to amend the allocation of \$350,000, \$150,000 to the Hulfish House and \$200,000 to the Old Post Office, to add that the funding is to be allocated to the Town Center Property line item from the Prior Year Surplus Funds, Leake seconds;

Discussion: Weir asks for the advertisement For the July public hearing regarding amending the 2012 budget to fund projects from the prior year surplus, **Leake seconds;**

Weir moves to divide, Tobias seconds;

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

Mayor breaks the tie with a No, motion fails to divide

Discussion: Weir has no issue spending the funds for the Red Rooster, but he does have questions about the Hulfish House, he is not comfortable moving that money without estimates, lack of procedures, he does not support the motion.

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

Mayor breaks tie with a Yes, Motion carries

Cole authorizes the Town Manager to spend up to \$10,000 over and above what has already been spent to-date on each building [Old Post Office & Hulfish House] funds to come from the Town Center Property line item for exploratory monies, Discussion:

Kenworthy is against spending any funds on the Hulfish House. **Town manger is not to spend any funds over and above the \$10,000 without Council approval;**

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

Council Time *(continued)*

Tobias

- Cautions all council members when you make comments to the press; make sure your facts are researched.
- He thinks we need to discuss our financial reporting methods. Perhaps we can talk about that on the 26th.
- He would like to see if the Town Manager can get estimates on the getting the side of the building painted and the museum painted.
- He is going to start working with James on budget, if anyone has comments, please forward them ASAP. One of the things he will be looking at is all of the professional services provided to the Town.

Weir

- Sidewalk is complete; he asks if it was funded by the Connelly Pedestrian Earmark funds or TEA 21? The Town Manager responds that no, it was the direction of Council to move forward immediately and fund from the budget.
- What is the status of streaming and/or online storage of meetings?
**He would like a report on the recordings at the next meeting
- Weir expresses his concern that the resolution pertaining to 15.2-2281 was not handled in a timely manner as required by Council at the November meeting, it is now too late to be done, and he thanks everyone for wasting his time.

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- Weir asks that the Town Planner take a look at a "cord" running between Powell and Arthur's Court. He would like to know what it is there for
- The building and other town owned buildings need our attention. The ARB is in the design phase of the façade, he suggests that we start thinking about how we will fund everything.
- The police department does not take up 33% of the budget as Councilman Leake reported in the newspaper, perhaps some should do some fact checking first.

Scarborough

- She says there are some preliminary ideas that the ARB has come up with **Agenda item for February. Scarborough would like Ms. Swinford's letter entered into the record of this meeting (attached to minutes)

Mayor

- PACE West Elementary is officially up for sale. It has been advertised in the Bull Run Observer. She would like this council to strongly consider a request from a public private enterprise. There is a group that wants to make it into a community center. There is a bid that has been placed on the property; she is unsure how much that offer is for.

Cole motions to adjourn the meeting of January 10 continued to January 23, 2012 at 9:30 p.m., Leake seconds;

Ayes: 6 Nays: 0

Submitted:

Approved:


Jennifer Prael, Town/Clerk


Pamela E. Stutz, Mayor

Town Council Meeting Agenda

Public Hearing:

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.

1. Call to Order
2. Citizens' Time
3. Minutes
4. Villages of Haymarket (Phase II) Subdivision Plat
5. Bond Extension – Sherwood Forest & Alexandra's Keep
6. Zoning Permit Application(s)
7. Planning Commission Vacancy
8. Building Official's Report
9. Police Report
10. Treasurer's Report
11. Appropriations
 - a. Discretionary Funds – Councilman Leake
 - b. Discretionary Funds – Mayor Stutz
 - c. Clarification to December 19 motion to appropriate bonuses to full-time staff
 - d. Sidewalk repair change order and additional funding
 - e. Quarterly Appropriations
12. Parliamentary Procedure
13. Updates – Old Post Office and Hulfish House
14. Streetscape Expenditure – Verizon Preliminary Engineering Invoice
15. Town Manager's Report
 - a. I-66 Projects
 - b. Haymarket Self Storage
16. Suggested Resolution Supporting House Bill No. 92
17. Closed Session Topics
18. Councilmember Time
 - a. Tobias
 - b. Leake
 - c. Cole
 - d. Mayor
 - e. Scarbrough
 - f. Kenworthy
 - g. Weir

§ 2.2-3711. Closed meetings authorized for certain limited purposes. A. Public bodies may hold closed meetings only for the following purposes:

1. 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. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.; *namely*, For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

Madame Mayor:

Upon reflection and review of my notes and the draft minutes of the December Town Council meetings, I would suggest that your ruling one of Councilman Tobias's motions out of order and Council Leake's motion allocating \$150,000 for renovation of the Hulfish House are of questionable validity and that an uneven playing field exists for a minority of councilmembers.

What follows is a chronology of events for the initial December 5, 2011 meeting of the Town Council and the subsequent continuation meeting of December 19, 2011. All citations refer to the 10th Edition of Robert's Rules of Order (RONR(10th ed.)) which the Town of Haymarket has adopted, is available to all Councilmembers and to which the Town's legal counsel refers.

Initial Tobias motion of December 5, 2011 regarding the Hulfish House per Agenda Item 6

Councilman Tobias motioned to schedule a public hearing to consider demolition of the Hulfish House, a motion that was appropriately seconded and subsequently, upon advice from counsel, ruled out of order by the Chair. The crux of the opinion centered on whether the matter was ripe for such action and whether notice had been given to all members of the Town Council prior to any discussion on the merits or an action or vote being taken thereon. In his letter of December 19, 2011, the Town Attorney underscores that opinion and suggests that the question "should have been added to the agenda for the next regular meeting, so as to give all members of Council notice, the opportunity to be present and the opportunity to be heard, before any action or vote was taken on the matter.

I would note that materials in support of Agenda Item 6, distributed as part of the agenda packet, contained a report from the Town Manager and his recommendation for action. RONR concisely addresses motions growing out of reports. Specifically, after the presentation of a report, "one or more motions to carry out recommendations contained in the report may be introduced"¹. That Councilman Tobias elected to make a motion based on his interpretation of the material contained in the report and not that of the Town Manager is an action within his purview. Moreover, as the report and the Town Manager's recommendation for action were in the published agenda packet, all members of Council had been given adequate notice, opportunity to be present and the opportunity to be heard, prior to any action or vote being taken on the matter. That several councilmembers elected not to be present at the meeting is a circumstance for which they bear sole responsibility and should not diminish the actions taken by a legitimate vote of a body with an established quorum.

Mayor's ruling of the Tobias motion out of order

As noted previously, the Mayor ruled the Tobias motion out of order. That ruling came in my view large as the result of the opinion and prompting of the Town's legal counsel. As

¹ RONR(10th ed.), p. 27, l. 8-13

Councilman Tobias's motion was procedurally correct in consideration of Agenda Item 6, and not in conflict with any charter, bylaw or procedural rule, I would suggest that the Mayor's ruling was in fact "out of order".

Further, a review of the Town Council minutes for calendar year 2011 reveals that no final course of action had been adopted regarding the disposition of the Hulfish House, rather several options lay open as a result of an earlier public hearing and upon consideration of the bids received under the renovation RFP as well as the structural engineer's report. Thus, Councilman Tobias's motion to schedule a public hearing to garner further public input did not conflict with any previously adopted motion by the Town Council. I would remind the Mayor that ruling another member's motion out of order should never be affected by personal feelings and that if the Mayor only suspects that a motion is not made in good faith, she "should give the maker of the motion the benefit of the doubt"².

Weir motion to suspend the rules

Upon the Mayor's questionable ruling, I was faced with the choice of seeking to over-rule the chair or suspending the rules. Given the subjective circumstances surrounding the Mayor's ruling, I considered a motion to suspend the rules more appropriate. The motion was properly made so as to consider business the Parliamentarian had ruled could not otherwise be considered at the time. Further, it did not conflict with any Charter provisions, bylaws or statutes and did not violate any of the fundamental principles of Parliamentary Law. Lastly, as Agenda Item 6 was properly published as an action item with appropriate notice to all Councilmembers, the motion did not violate those rules protecting absentees or the basic rights of individual members. Lastly, it is without debate that the motion was passed with the requisite super majority. Contrary to the Parliamentarian's assertion in his letter of December 19, 2011, the consideration of a proper motion to suspend the rules can not be postponed to a subsequent meeting as the purpose of the motion is to consider action during the instant meeting. There is no requirement for "proper and lawful notice of the motion" so as to afford the opportunity of all members to attend. Moreover, it is by definition a motion that upon a second is neither debatable nor amendable³, thus requiring an immediate vote, otherwise the Town Council would be placed in the untenable position of being unable to conduct any other business including continuation of the meeting as there would be an existing privileged question on the floor.

Subsequent Tobias motion of December 5, 2011 regarding the Hulfish House per Agenda Item 6

Upon suspension of the rules Councilman Tobias was appropriately recognized to restate the motion. Upon debate, it was clear that instant motion initiated nothing more than a public hearing to solicit additional public comment on potential future action regarding the Hulfish House, action which upon adoption of the Tobias motion could not occur earlier than the January

² RONR(10th ed.), p. 332, l. 5-11

³ RONR(10th ed.), p. 253, l. 4-10

10, 2012 Town Council Meeting. The motion was appropriate given that Agenda Item 6 was properly identified as an action item given the report of the Structural Engineer and a recommendation by the Town Manager. As previously noted, the action contemplated by the motion did not conflict with any previously adopted motion by the Town Council and in no way abrogated any fundamental principles of Parliamentary Law. Further, if indeed the question might be considered in conflict with a previously adopted motion, the renewing of the question would have been a valid motion given the new circumstances presented by the information in the Structural Engineer's report which in some respect would make the motion a different question⁴. Moreover, I would remind you that renewing such "a motion made and disposed of without being adopted" and later allowing such to come before the assembly again is generally permitted under RONR so long as the question does not come before the Town Council in the same session⁵, a circumstance which renders the Parliamentarian's objection moot. In support thereof, I would note that a session of the Haymarket Town Council is by definition "a meeting or series of connected meetings devoted to a single order of business, program, agenda or announced purpose, in which – when there is more than one meeting – each succeeding meeting is scheduled with a view to continuing business at the point where it was left off at the previous meeting"⁶. Clearly, the December 5, 2011 meeting of the Haymarket Town Council constitutes a separate session from those previously held and properly adjourned meetings referenced during debate.

Tobias motion of December 5, 2011 to continue the meeting to December 19, 2011

Subsequent to the adoption of motion regarding the scheduling of a hearing for the Hulfish House, the Town Council disposed of several other agenda items regarding zoning permits, the building official's report, a statement by the treasurer, several closed session items and the police report, at which point a motion by Councilman Tobias to continue the meeting to December 19, 2011 was adopted.

Leake motion of December 19, 2011 regarding the allocation of funds for the preservation of the Hulfish House per Agenda Item 6

At the December 19, 2011, Agenda Item 6 was reopened by the chair. As a general matter, once an agenda item has been addressed and any relevant motions made and disposed of, an agenda item is not revisited during the same session. At the instant meeting, the reopening of the Agenda Item 6 was initiated without objection. That being said, upon Councilman Leake's motion to allocate funds for the renovation of the Hulfish House, I immediately objected to the question and asked for it to be ruled out of order. The chair chose, upon consultation with legal counsel, ruled the motion in order.

⁴ RONR(10th ed.), p. 326, l. 3-7

⁵ RONR(10th ed.), p. 325, l. 2-6; p. 326, l. 17-22

⁶ RONR(10th ed.), p. 80, l. 8-16

Unlike Councilman Tobias's motion of December 5, 2011, Councilman Leake's motion did conflict with a previously adopted motion by the Town Council, namely, Councilman Tobias's hearing motion of December 5, 2011. As such, the motion was on its face improper as it presented practically the same question as one still within control of the Town Council as a result of the adopted motion for a public hearing by Councilman Tobias. Notwithstanding the inherent conflict between the two motion, the adoption of Councilman Leake's motion interferes with the Town Council's freedom of action in consideration of the question subsequent to the previously approved Public Hearing⁷. Furthermore, the assertion that Councilman Leake's motion was valid based simply on the differing fiscal scopes of the conflicting motions has no foundation in RONR and is specious at best.

Similarly, Councilman Leake's motion was out of order as it conflicts with the procedural rules of the Town Council, namely the spending policy adopted by the Town of Haymarket on January 25, 2006 and revisited at the August 2, 2010 meeting of the current Town Council. A copy of that spending policy was provided to each Councilmember on August 3, 2010 and to my knowledge, to date, no amendments to the existing spending policy have been adopted. Thus Councilman Leake's motion to allocate \$150,000 to the renovation of the Hulfish House (and \$200,000 for the renovation of the Old Post Office) conflict with the spending policy that requires an advertisement of the expenditure along with a bid package. Moreover, Councilman Leake's motion allocates funding to an as yet undefined task with an as yet undetermined final cost. As the structural engineer's report and Councilman Leake's motion contemplate remediation and a course of action significantly different than that contemplated in the earlier received responses to the Town's previous RFP, those bids should not be considered part of any bid package presented with a properly advertised motion to allocate those funds⁸.

Thus, the motion was improper, out of order and as a result, null and void as it was not adopted by the vote required to rescind or amend the previously adopted motion⁹.

As a result, I humbly request that Councilman Leake's motion be declared null and void at the January 10, 2012 meeting of the Haymarket Town Council and that a copy of this correspondence be provided as part of the publicly available information package for the hearing scheduled for to solicit input with regard to the possible demolition of the Hulfish House.

Respectfully,

Robert B. Weir

Haymarket Town Council

⁷ RONR(10th ed.), p. 332, l. 25-35

⁸ RONR(10th ed.), p. 332, l. 15-24

⁹ IBID

21 January 2012

To: The Mayor and Town Council Members of Haymarket

From: Architectural Review Board, Pam Swinford Chairman

Re: Public Hearing held 10 January 2012 on Hulfish House

On behalf of the Architectural Review Board (ARB) I would like to address some points that were raised at the Public Hearing held on 10 January 2012. I have spoken with the members of the ARB on 18 January 2012 and the Board Members were in complete agreement about the following concerns.

We are protesting the validity of the petition that was discussed the night of the hearing. After beginning another petition that is attached to this memo you will see that I discovered after only five houses two people signed both petitions. I spent over three hours discussing and filling in information that was either omitted from the opposing petition or verbally added that led to different conclusions. After a lengthy discussion with Stephanie Graham of 6832 St. Paul Drive, Haymarket it was evident that misinformation led her to sign the other petition. She was present at the hearing and requested clarification of the information provided to her by Councilman Weir. She was led to believe that the renovation was over \$400,000 and that the building was currently being used by people to partake in drug use and/or make drugs. She was also told that the building was not structurally sound, which several individuals have countered otherwise, to include Mr. Lowery the Town's Engineer who rescinded his condemnation of the building on 25 July 2011. Councilman Tobias also sent an email that stated the renovation would cost over \$600,000. (See attached document). This kind of blatant misinformation may have been given to every individual who signed the petition.

It is clear that a significant contributor to the conflict over the fate of the Hulfish House is the lack of a set of agreed upon facts or estimates for its potential value as a commercial property, cost of renovation, cost of demolition (to include the opportunity lost due to the demolition), or the cost to replace the structure under any alternate plan. In the absence of this information the council and voters are left with conjecture, rumor, and even misinformation as the basis for their decisions. Establishing and agreeing upon estimates for these factors would go a long way in clarifying the issues at stake.

The structure's historical value has been established. While the ARB realizes that the Commonwealth of Virginia does not recognize the Hulfish House for potential inclusion in the National Register of Historic Places, the letter did state that "The George Hulfish house does have local historic value and we support your efforts to retain and work with this older property." As one of the first houses rebuilt after the burning of November, 1862, it provides a clear link with one of the Town's most important historical events and one that is directly tied to other historic locations in the area; The Manassas National Battlefield Park, Thoroughfare Gap battlefield in the Bull Run Conservancy, and others.

The ARB would like to clarify its position on the matter. We are not in favor of a costly renovation. We are just requesting a reasonable bid be considered for the renovation. And, should a renovation not be possible, then what is the alternate plan for the site? This information has been requested since March 2011. In accordance with Section 15.2.2306 of the Virginia Code the property must be put up for sale at a reasonable market value for a year before demolition and an alternate plan be established. As a Town

we must follow the guidelines we have set before we can enforce it upon others. It is still the ARB's understanding that the vision for the Town of Haymarket is to have an historic walking town. You cannot do this if the history is torn down and lost to the town forever.

Petition to Support Restoration of the Hulfish House and Old Post Office

All of the following signatures are petitioning in favor of Restoring and Renovating the structures known as the Hulfish House and the Old Post Office located on the property belonging to The Town of Haymarket located in the Town Center which currently houses The Town Hall at 15000 Washington Street, Haymarket, VA 20169.

Dated 7 January 2011

#	NAME	ADDRESS
1	Pam S. [Signature]	6852 Jockey Club Ln Haymarket
2	[Signature]	6852 Jockey Club Ln Haymarket
3	Chad Dinnan	6848 Jockey Club Lane Haymarket VA
4	Jayne White	6852 Jockey Club Ln Haymarket VA
5	Thom H. White	6852 Jockey Club Ln Haymarket VA
6	Brenda [Signature]	6852 Jockey Club Ln Haymarket VA
7	Cecile Richard	6860 Jockey Club Ln Haymarket VA
8	Stephanie [Signature]	6852 St. Paul Dr., Haymarket, VA
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Pamela Swinford

From: Pamela Swinford [plswinford@comcast.net]
Sent: Saturday, January 07, 2012 8:59 PM
To: 'Matt Gallagher'; 'Stacy Curran'; 'Susan Bannan'; 'sgobrien@comcast.net'; 'seetre@msn.com'; 'daitken@d81.com'; 'leake.family@verizon.net'
Cc: 'kluersen@verizon.net'; 'Ellie Ivancic'; 'mscarbrough@townofhaymarket.org'; 'laureldesign@aol.com'
Subject: FW: Hulfish House Public Hearing, 10 Jan 2012, 7PM
Attachments: Engineers' Structural Report, 1 Dec 11.JPG; Engineers' Structural Report, 1 Dec 112.JPG

Forwarded for your information.

From: Pamela Swinford [<mailto:plswinford@comcast.net>]
Sent: Saturday, January 07, 2012 8:43 PM
To: 'Susan Brooks'
Subject: Hulfish House Public Hearing, 10 Jan 2012, 7PM

Susan- I would appreciate it if you could disperse this email through your extensive email list. I appreciate the help!
Pam

I would like to take this opportunity to inform Haymarket Residents of the up-coming Public Hearing on Tuesday 10 Jan 2012 at 7:00 pm. The purpose of the hearing is to make a decision on whether to demolish the Hulfish House or continue with the renovation. The following are facts on how the procedures have occurred so far.

- Approximately 5 years ago the town already submitted for and approved a demolition of the Hulfish House, but never executed it due to the cost of the demolition and it was allowed to expire.
- Over a year ago a certificate for demolition was again brought forward to the ARB by Councilman Tobias. It was denied due to the property's Historical integrity and value that is intrinsic to this town as was stated by the State of Virginia (copy can be provided by historian).
- It was brought to their attention that demolition cannot occur without putting the building up for sale for a year at fair market value and establish an alternative plan for that site as required by the Architectural Review Board guidelines which are backed by Virginia State Code, sec 15.2-2306. Neither of these have been done to date.
- A public hearing was held to determine the fate of the building. It was voted at that meeting to partially demo the non-historical portions of the building. This has been accomplished revealing the two original structures which were built approximately 150 years ago.
- An inspection of the building was accomplished in Nov 2011. The engineers' report found the building to be structurally sound though repairs would need to be done (first two pages of the report attached, the remainder available at the Town Hall).
- The Town Council voted and approved \$150,000 to be appropriated for the renovation of the Hulfish House and \$200,000 for the renovation of the Old Post Office (often called the Red Rooster).
- In the December Town Hall Meeting, Councilman Tobias motioned for another Public Hearing on the same matter. The Town Lawyer, John Bennett, questioned the legality of yet another hearing on the subject matter. The Town Council had already held a Public Hearing and the vote had been decided in favor of renovation.
- To my knowledge there has not been a complete estimate to the entire cost of renovations of either buildings.
- I understand that there have been businesses/individuals that have contacted the Town Manager with intent to lease space in either of the buildings upon renovation. This would generate additional revenues for the town.
- It has been historically proven that towns which renovate their historic structures increase property values of the homes within and around that town.

In addition to the above facts, I have heard Councilman Wier is soliciting a petition in favor of the demolition. From discussions I have had with people that have been contacted by him, I understand that he is providing statements to this effect:

- Renovations will cost \$400,000 (To my knowledge no such amount has been made on any one single dwelling).
- That the police has been finding evidence of drug use on the premises. (To my knowledge no such evidence has been provided to the Town Council. Regardless this could occur anywhere in any building in town).
- There is a water issue on the property that Councilman Wier is attempting to say is a renovation issue. (I believe it cannot be considered a renovation issue but a town ownership issue. The water issue will have to be dealt with no matter what the property is used for and the engineers' report suggests that a sump pump be installed as a solution).

I must make it clear that my job as the Architectural Review Board Chairman is to preserve the integrity of the historic structures in the Town of Haymarket. I would like to make one last statement that I feel needs to be considered when making this decision. Once the Buildings have been demolished they can never be brought back and the value of the buildings with their history will be lost to the town forever. An historical walking town will not be possible without history.

Please attend the Public Hearing and finally make YOUR vote count. If you cannot attend you can simply email the Town Clerk at jpreli@townofhaymarket.org with a simple statement either for or against the demolition and your vote will be counted.

Sincerely,

Pam Swinford
Architectural Review Board, Chairman
Town of Haymarket

Pamela Swinford

From: Brenda Dinan [4dragonflies@comcast.net]
Sent: Tuesday, January 10, 2012 7:08 AM
To: Pam Swinford
Subject: Fwd: Fw: Timeline - Hulfish House
Attachments: image001.jpg; image001.jpg; Timeline of Actions on the Hulfish House.doc

Pam,
Received this e-mail from Jay Tobias. It's messy and hard to read.

Brenda

----- Original Message -----

Subject: Fw: Timeline - Hulfish House

Date: Mon, 9 Jan 2012 18:53:03 -0800 (PST)

From: Jay Tobias <jetobias@yahoo.com>

To: Jennifer Preli <jpreli@townofhaymarket.org>, Bob Weir <rbw@trademarkinfo.com>, gswearingen <gswearingen@townofhaymarket.org>, Pam Stutz <pstutz@townofhaymarket.org>, John Cole <jcole@townofhaymarket.org>, Mary Lou Scarbrough <mscarbrough@townofhaymarket.org>, David Leake <dleake@townofhaymarket.org>, Milton Kenworthy <mkenworthy@townofhaymarket.org>, Sherrie Wilson <swilson@townofhaymarket.org>

CC: jtobias <jtobias@townofhaymarket.org>

<P>Greetings, </P>

<P> </P>

<P>The attached is an email that was sent to Council today by the Town Clerk which outlines the time line for the Hulfish House - which is on tomorrow's agenda for a Public Hearing. The purpose of the Public Hearing is to again solicit input as to the options for the Council to consider pertaining to the building's future. </P>

<P> </P>

<P>Whether you are a preservationist who would like to see the Town restore the building or you are a modern day person who would rather see a better use of the Town's funds, you need to see that the Council is not taking this action in haste. Rather, most would argue, the Council continues to drag their feet.</P>

<P> </P>

<P>It should be noted that the Chair of the ARB for the Town, Pam Swinford, has earlier sent out an email with her own time line that may have contained a few omissions. It should also be noted that the latest report from the Engineer hired to ascertain the condition of the building and the next steps to revive it does not state that the building is structurally sound. In fact, our Town Building Official has often stated that the structure is not sound and should not be occupied for any reason. Also noteworthy is the actual cost to bring the building up to code in order to lease it or sell it could eclipse \$600,000 according to some of the bids we have received.</P>

<P> </P>

<P>One final note to consider...the request for information as to the historical nature of the building and whether it would be eligible for consideration by the Historical Society of Virginia said that that building would not qualify. It either did not have enough history to make it worthy or it was in such a state of dilapidation that it couldn't qualify. But, the point is, the building is not qualified to be labeled and registered as a Historic structure. </P>

<P> </P>

<P>Please, read this time line and consider the economic impact of spending \$150,000, \$400,000 or even \$619,000 to renovate a building that had questionable value to the Town. Then, consider the same funds (or less) being used to fund the rehabilitation

of a structure that the Historical Society says is historic and may be able to be listed...The Old Post Office. While you are thinking about that...think of the tax refund you may have received in the mail this past August or September...sure could help again next year if the Council manages your Town monies correctly.</P>

<P> </P>

<P>Thank you,</P>

<P> </P>

<P>Councilman Jay Tobias</P>

<P>jtobias@townofhaymarket.org</P>

<P> </P>

<P>PS - The blind carbon copy distribution list is long...and I gladly protected everyone's privacy. </P>

<P> </P>

<P>

--- On Mon, 1/9/12, Jennifer Preli

<I><jpreli@townofhaymarket.org></I> wrote:
</P>

<BLOCKQUOTE style="BORDER-LEFT: rgb(16,16,255) 2px solid; PADDING-LEFT: 5px; MARGIN-LEFT: 5px">
From: Jennifer Preli <jpreli@townofhaymarket.org>
Subject: Timeline -

Hulfish House
To: "Bob Weir" <rbw@trademarkinfo.com>; "dleake" <dleake@townofhaymarket.org>; "Gene Swearingen"

<GSwearingen@townofhaymarket.org>; "jcole" <jcole@townofhaymarket.org>; "John Bennett" <jcbe@msn.com>; "jtobias" <jtobias@townofhaymarket.org>;

"Mkenworthy" <mkenworthy@townofhaymarket.org>; "mscarbrough" <mscarbrough@townofhaymarket.org>; "Pam Stutz"

<pstutz@townofhaymarket.org>
Cc: pswinford@townofhaymarket.org, "eivancic" <eivancic@townofhaymarket.org>;

Kluersen@townofhaymarket.org, "rbare" <rbare@townofhaymarket.org>; "Sheila Jarboe" <sjarboe@townofhaymarket.org>;

"Sherrie Wilson" <swilson@townofhaymarket.org>
Date: Monday, January 9, 2012, 4:30 PM

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<P class=yiv977813854MsoNormal>Sherrie and I went over all of our minutes and files today and created this time line of what action has been taken with regard to the Hulfish House.</P>

Jennifer Preli, Town Clerk

PO
ox 1230

Haymarket, Virginia 20168

703-
753-2600

703-
753-2800 Fax

<http://townofhaymarket.org/Map.php> Dine in Haymarket
Today!

 <http://f659.mail.yahoo.com/ya/download?mid=1%5f767374%5fabjxiGIAAHS5TwtblgiANjTls7k&pid=1.2&fid=Inbox&inline=1> width=196 height=60



COMMONWEALTH of VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Douglas W. Domenech
Secretary of Natural Resources

Kathleen S. Kilpatrick
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.virginia.gov

February 16, 2011

Hon. Pamela Sutz
Mayor, Town of Haymarket
P.O. Box 1230
Haymarket, VA 20168

Re: George Hulfish House, Prince William County

Dear Mayor Sutz:

The Department of Historic Resources has considered the **George Hulfish House** for potential inclusion in the National Register of Historic Places (NRHP) and the Virginia Landmarks Register (VLR). Based on the data available in the Preliminary Information Form (PIF), and material in our archives and architectural databases that compares your resource with those in **Prince William County** and across the state, the staff recommended that you *do not proceed* with a nomination for listing. This decision was reached after careful consideration of the criteria used by the VLR and NRHP, which involves review of the application by staff historians and architectural historians, and a search for specific documentation and historic context.

We all appreciated the well-composed and informative PIF. The **George Hulfish House** does have local historic value and we support your efforts to retain and work with this older property. If you believe that you have additional information that may help us understand the significance of the property, you may consider expanding your present submission, but only if it provides substantial new information. New information will be considered at the next evaluation meeting and we will notify you of the results following this second review meeting.

For State Review Board consideration, the DHR staff needs at least 30 days prior to a quarterly Board meeting for an adequate review period. If you would like the Board to consider the issue as currently presented (*without* additional information) at their March 17, 2011 meeting, please let me know ahead of time so we can put your item on the agenda. The afternoon meeting will be held in the Director's Conference Room of the Department of Historic Resources in Richmond, Virginia. The discussion of PIFs will start after lunch, the specific time depending upon the length of the morning board session.

Please feel free to contact me at kelly.spradley-kurowski@dhr.virginia.gov or 804-367-2323, ext. 103, if you have any questions about the staff's recommendation, the register process and criteria, or the board meetings.

Sincerely,

Kelly Spradley-Kurowski, PhD
Supervisory Historian

cc: Ms. Ellie Ivancic, Haymarket Museum

Administrative Services
10 Courthouse Ave.
Petersburg, VA 23803
Tel: (804) 862-6416
Fax: (804) 862-6196

Capital Region Office
2801 Kensington Office
Richmond, VA 23321
Tel: (804) 367-2323
Fax: (804) 367-2391

Tidewater Region Office
14415 Old Courthouse Way 2nd
Floor
Newport News, VA 23608
Tel: (757) 886-2807
Fax: (757) 886-2808

Western Region Office
Hundley Hall
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5428
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7031
Fax: (540) 868-7033

I-66 / Rte. 15 INTERCHANGE EVALUATION MATRIX

January 18, 2012

Area	Criteria	Modified Diamond	Semi-Directional Ramp	SPUI
2036 Traffic Operations	LOS - I-66 (AM)	C or better	C or better	C or better
	LOS - I-66 (PM)	C or better	C or better	C or better
	LOS (Delay in Seconds) - Intersection of Rte. 15 & WB Ramps (AM)	A (10.0)	B (11.8)	C (33.2)
	LOS (Delay in Seconds) - Intersection of Rte. 15 & EB Ramps (AM)	D (38.4)	B (10.8)	
	LOS (Delay in Seconds) - Intersection of Rte. 15 & WB Ramps (PM)	C (34.1)	C (32.0)	D (38.5)
	LOS (Delay in Seconds) - Intersection of Rte. 15 & EB Ramps (PM)	C (21.8)	B (11.2)	
	LOS (Delay in Seconds) - Rte. 15 & Rte. 55 (AM)	D (38.6)	D (39.8)	D (38.6)
	LOS (Delay in Seconds) - Rte. 15 & Rte. 55 (PM)	D (44.7)	D (44.5)	D (45.2)
	LOS (Delay in Seconds) - Rte. 15 & Heathcote (AM)	C (31.0)	C (33.0)	C (34.9)
	LOS (Delay in Seconds) - Rte. 15 & Heathcote (PM)	D (39.7)	D (41.8)	D (43.2)
	95th Percentile Queue Length (Feet) - Left Turn - I-66 WB Off-Ramp to SB Rte. 15 (PM)	520	539	586
	95th Percentile Queue Length (Feet) - Left Turn - SB Rte. 15 to I-66 EB On-Ramp (AM)	788 (Queue exceeds available storage)	N/A	752
Engineering & Construction	Design Exceptions	None	None	None
	Design Waivers	Access Management Waiver	Access Management Waiver	Access Management Waiver
	Constructability	3-phased MOT	3-phased MOT	6-phased MOT
	Environmental Impacts	No significant impacts anticipated	No significant impacts anticipated	No significant impacts anticipated
	Utility Impacts	No significant impacts anticipated	No significant impacts anticipated	No significant impacts anticipated
	R/W Impact	2.2 Ac	4.1 Ac	1.1 Ac
	# Residential Parcels Impacted	2	4	0
	# Non-Residential Parcels Impacted	11	12	8
	Potential Total Parcel Acquisition	0	1	0
	Preliminary Construction Cost*	\$ 46 Million	\$ 57 Million	\$ 53 Million

* Preliminary Construction Cost includes roadway, earthwork, drainage, MOT, retaining wall, bridge, signals, signing, pavement marking, and lighting costs, and does not include preliminary engineering, right-of-way, environmental mitigation, and utility relocation costs.





#FILES
 #DATES
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LEGEND

- DENOTES PROPOSED DESIGN (PRELIMINARY)
- DENOTES PRELIMINARY BRIDGE LAYOUT
- DENOTES PROPOSED I-66 WIDENING
- DENOTES EXISTING ROW AND PROPERTY LINES

VDOT COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION

1-66 /RTE. 15 INTERCHANGE RECONSTRUCTION
FINAL BUILD ALTERNATIVE -1
 MODIFIED DIAMOND

HNTB HNTB CORPORATION
 ARCHITECTS ENGINEERS & PLANNERS
 ARLINGTON, VIRGINIA

FIGURE 6 - 9



#FILES
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- LEGEND**
- DENOTES PROPOSED DESIGN (PRELIMINARY)
 - DENOTES PRELIMINARY BRIDGE LAYOUT
 - DENOTES PROPOSED I-66 WIDENING
 - - - DENOTES EXISTING ROW AND PROPERTY LINES

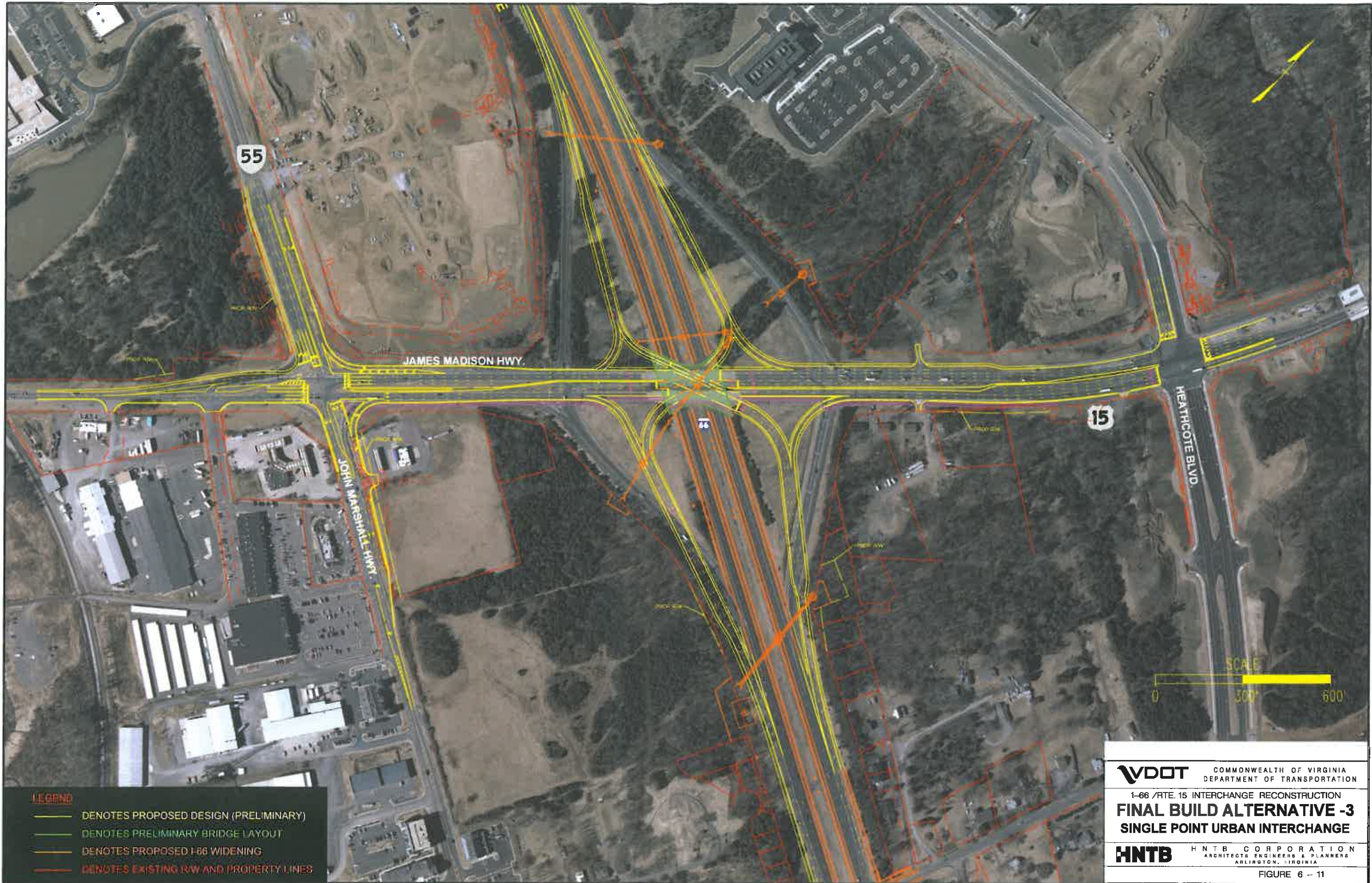
VDOT COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF TRANSPORTATION
 1-66 / RTE. 15 INTERCHANGE RECONSTRUCTION
FINAL BUILD ALTERNATIVE -2
SEMI-DIRECTIONAL RAMP

HNTB HNTB CORPORATION
 ARCHITECTS ENGINEERS & PLANNERS
 ARLINGTON, VIRGINIA

SCALE 0 300' 600'

FIGURE 6 - 10

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LEGEND

- DENOTES PROPOSED DESIGN (PRELIMINARY)
- DENOTES PRELIMINARY BRIDGE LAYOUT
- DENOTES PROPOSED I-66 WIDENING
- DENOTES EXISTING R/W AND PROPERTY LINES

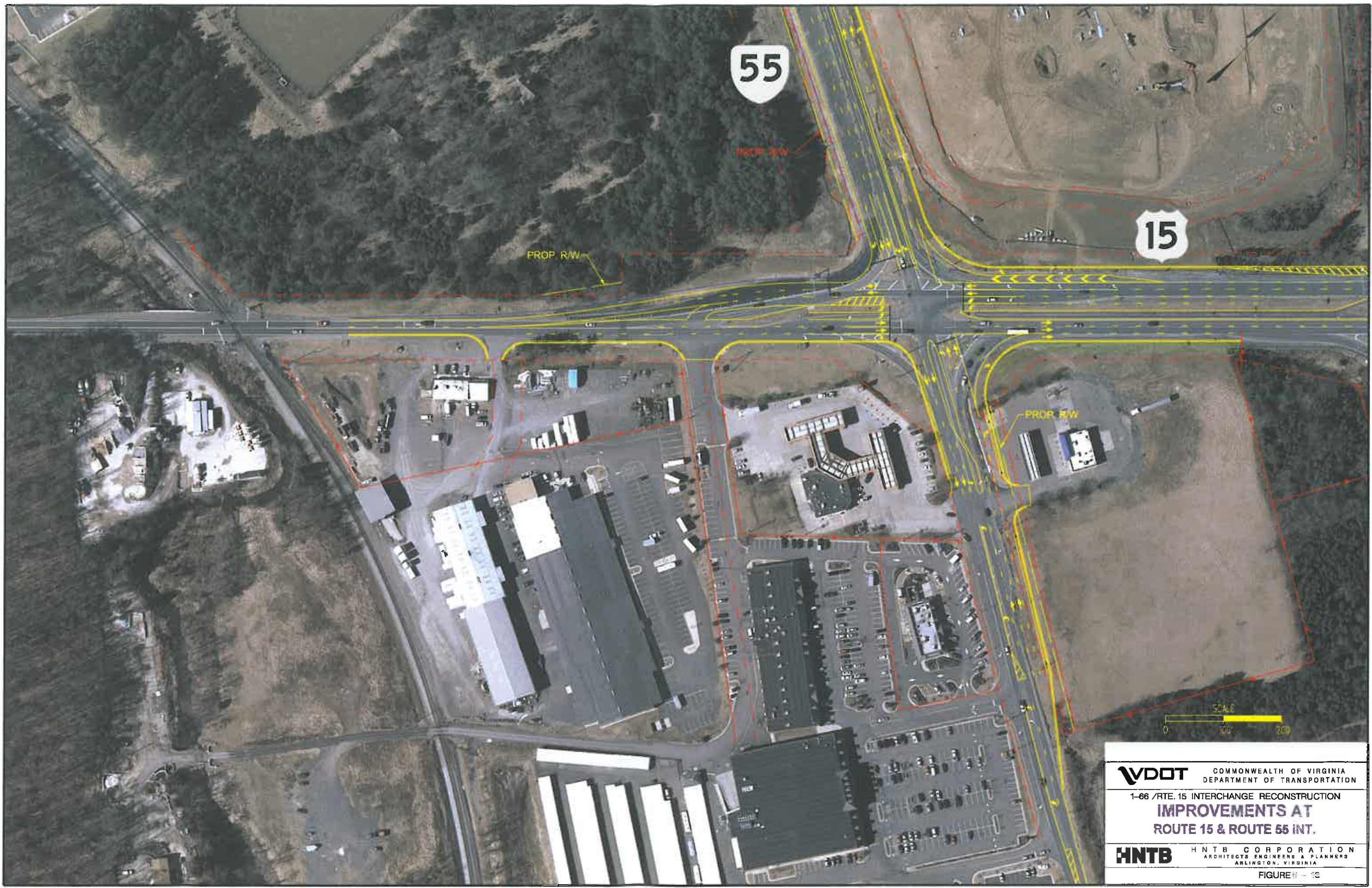
VDOT COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION

1-66 / RTE. 15 INTERCHANGE RECONSTRUCTION
FINAL BUILD ALTERNATIVE -3
SINGLE POINT URBAN INTERCHANGE

HNTB HNTB CORPORATION
ARCHITECTS ENGINEERS & PLANNERS
ARLINGTON, VIRGINIA

FIGURE 6 - 11

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DATES
Pen Table - eip_pen_tables



VDOT COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION

1-66 / RTE. 15 INTERCHANGE RECONSTRUCTION
**IMPROVEMENTS AT
ROUTE 15 & ROUTE 55 INT.**

HNTB HNTB CORPORATION
ARCHITECTS ENGINEERS & PLANNERS
ARLINGTON, VIRGINIA

FIGURE # - 10