

Haymarket Town Council Meeting
Monday, May 7, 2012
15000 Washington Street-Haymarket, VA 20169

Call to Order

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

Roll Call

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

Citizen's Time

Rachele Bowman – Virginia Department of Health

Ms. Bowman is here give us information on Lyme Disease Control and Prevention. Her goal is to increase awareness.

Minutes

Mayor notes one correction, her address is wrong on the special use permit referenced.

Scarbrough motions to approve the minutes of April 2, 2012, with one correction noted to the Clerk, the address for the Special Use Permit should be 6720 Jefferson Street, Tobias seconds;

Ayes: 6 Nays: 0

Tobias motions to approve the minutes of April 23, 2012, Scarbrough seconds;

Ayes: 6 Nays: 0

Certificate of Appropriateness

Cole motions to approve the Certificate of Appropriateness for the Old Post Office, 15020 Washington Street, to be white siding, regal blue roof, and the western entrance, Scarbrough seconds; Cole amends his motion to exclude the western handicap entrance until such time the side porch is determined, Scarbrough amends her second; Tobias would much rather see uniformity in the Town Center buildings, but that is just his personal preference. Leake agrees with ARB on the roof and siding colors and he doesn't see how we could keep the driveway there at all, he would like it as applied for. Scarbrough reminds that the west side of the building is where the water was coming in.

**Tobias-No, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-No, Weir-No
Mayor breaks the tie with a Yes**

Cole motions to approve the Certificate of Appropriateness for the Hulfish House for the removal of the side door from outside leading to the 2nd floor, white exterior walls, and terra cotta color roof, Leake seconds; Tobias would like to echo his comments on the roof color, same as for the Old Post Office (above). Weir asks about cost tracking, there is an invoice that has a not to exceed cost that is higher than the estimate for the sister joints from Payne Construction, he asks the Town Manager to confirm; the Town Manager responds yes.

**Tobias-No, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-No, Weir-No
Mayor breaks tie with Yes**

Haymarket Town Council Meeting
Monday, May 7, 2012
15000 Washington Street-Haymarket, VA 20169

Multi-Jurisdiction Hazard Mitigation Plan

Cole notes that Chapter 9 has individualized risk assessments for each town are we going to do the same, if we are when is going to be done. He fears that if we adopt this, we are committing to have to do this.

**June 4 agenda

Tobias motions to table the Hazard Mitigation Plan to the June meeting with caviat to provide answers to Councilman Cole's question, Weir seconds;

Ayes: 6 Nays: 0

Building Official's report

**Weir would like a time table on Occupancy Permits for Alexandra's Keep

Mayor would like to know where we are on the illegal gate at the railroad crossing.

Police Report – Deputy Chief Greg Breeden

Tobias asks what the requirements are for the advertising of check points. He responds that there is no requirement that we advertise, it would be a courtesy. There will be a check point during the MZQ Fest, Sunday, June 3, 2012.

Treasurer's Report – James Naradzay

Mayor asks if we are ready for the budget work session tomorrow night.

LODA – self funding. The Treasurer spoke with VML and a private insurance company. The response was there is no comparable product with LODA; he does not have any avenue to self-insure other than through VML.

Haymarket Old Town Centre Site Plan

There has been question to the validity of the Haymarket Old Town Centre site plan since the property was never conveyed. The Town Attorney, Lisa Baird comments: There is no definitive answer and cannot give us 100%. She leans to #1 or #2 presented by the Planning Commission. She comments that it probably isn't a final plan because the contract did not go through. She does note that an as-built would supersede the plan. Weir agrees with Ms. Baird. Weir says at one point in time the site plan was valid. He thinks we should probably do #2. Per 15.2-2209 D, because there is no performance bond, etc...Weir feels this is the simplest way to take care of it. Cole reminds that the money and effort going into that site plan was substantial, if we can do nothing, he would prefer that. Cole says we aren't getting much of a benefit by declaring it null and void. Tobias asks for the date of approval, it is January 2009. Mayor talks about who owns the site plan. Marchant: Site plans run with the land. Weir: We have to separate the engineered plan with the ministerial act of approving a site plan. The ministerial approval is invalid because there are no performance bonds in place.

Haymarket Town Council Meeting
Monday, May 7, 2012
15000 Washington Street-Haymarket, VA 20169

Tobias motions to invalidate the site plan known as the Haymarket Old Town Centre Plan; on the grounds that it will allow the Town to move forward making changes to the property. Cole asks if a piece of property can have multiple site plans, Marchant responds that usually a site plan approval would supersede a prior. Mayor thinks no action is necessary. Kenworthy agrees no action necessary. Tobias the basis for his motion is to simply clean up, Weir seconds;

Call for a vote: Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Weir-Yes

Tobias-Yes, Leake-No, Cole-No, Scarbrough-No, Kenworthy-Yes, Weir-Yes
Mayor breaks tie with No
MOTION FAILS

Marchant responds that yes we need an as-built plan. Mayor comments that we are leaving it in his hands to provide something adequate for the planning commission's review

Town Manager's Report – Gene Swearingen

I-66 widening

Comment period has closed. There is an RFP date of May 21, 2012. They estimate construction to be complete by November 2015.

I-66 Interchange

Most input was in favor of the semi-directional ramp and VDOT has selected that option.

Pedestrian Signal at Washington/Jefferson

Expect the design to be finished by the end of summer.

Town Center Property Master Plan

We have received 5 proposals for a master plan for the Town Center Property

**Tobias asks for a copy of the RFQ

Villages of Piedmont II – Rezoning Application

Firehouse

Prince William County Public Works has taken over the old Firehouse Building and trash has been removed. We will get with them off-line on the files that were inside the building. Some of them may be of interest to the Town.

Wolf Property - Violations

Meeting in a month on June 1

Weir comments that a contractor located in Longstreet Commons said he put in a bid for painting the museum; the town has no records of it.

Mr. Weir comments that Chuck Carnahan asked about a meeting that involved the Town regarding PACE at a previous Town Council meeting. He asks if the Mayor can give us an explanation of a letter that has come to his attention from the Mayor and Town Manager to Lt. Governor Bolling about the Town's desire to acquire PACE West Elementary School for a community center. The Mayor says this was done on the Town Manager's day off. Mayor says she did explain to the Lt. Governor that the letter was written wrong and it was not the town that

Haymarket Town Council Meeting
Monday, May 7, 2012
15000 Washington Street-Haymarket, VA 20169

was interested; there were errors in the letter, but there was no time to change it before they headed to Richmond.

Weir asks if there is any action has been taken to protect the staff with regard, he doesn't want there to be any retaliation against staff for.

Marchant: The Town has been offered the right of first refusal on the firehouse.

Line of Duty Act

Weir moves to adopt RES #20120507-2, Tobias seconds;
Election to Participate with the Virginia Municipal League for funding the Line of Duty Act Mandate

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and WHEREAS, it is the intent of The Town of Haymarket to make this irrevocable election to be a non-participating employer with respect to the Fund; and WHEREAS, it is also the intent of the Town of Haymarket to pool with other non-participating employers in the Commonwealth and self insure through the Virginia Municipal League NOW, THEREFORE, IT IS HEREBY RESOLVED that The Town of Haymarket hereby elects to self insure through pooling with other jurisdictions in the Commonwealth with the Virginia Municipal League

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

Weir moves to adopt RES #20120507-3, Tobias seconds;
Irrevocable Election Not to Participate in Line of Duty Act Fund

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and WHEREAS, it is the intent of The Town of Haymarket to make this irrevocable election to be a non-participating employer with respect to the Fund; NOW, THEREFORE, IT IS HEREBY RESOLVED that The Town of Haymarket hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and it is further RESOLVED that the following entities:

Town of Haymarket Police Department

To the best of the knowledge of The Town of Haymarket, constitute the population of its past and present covered employees under the Line of Duty Act; and it is further RESOLVED that, as a non-participating employer, The Town of Haymarket agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of The Town of Haymarket on or after July 1, 2010; and it is further RESOLVED that, as a non-participating employer, The Town of Haymarket agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund; and it is further RESOLVED that The Town of Haymarket shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

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

Web Streaming

****Tobias would like to know if the meeting streaming is unlimited. Yes it is.**

****Clerk to set up webinar for Town Council**

Haymarket Town Council Meeting
Monday, May 7, 2012
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Council Member's time

Leake-Nothing

Cole-He will visit the new council on who wants to take over the Quiet Zone

Scarborough-She would like to see handicap parking for food pantry, driveway should be graded also. The Ruritans were going to help with the driveway but have decided to wait because of the utility trucks going in and out.

Kenworthy-Asks the Town Manager if he has made any progress for a tenant at the Post Office

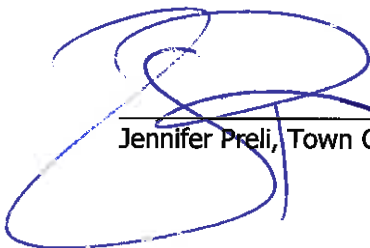
Weir-When are we putting the rest of the benches in for the street scape project?

Tobias – Asks the Town Manager to research how much it would cost for annual street cleaning contract. He would like to revisit the news of the letter to the Lt. Governor. Quite frankly he is extremely disappointed that the Town Manager and Mayor are apparently doing something on their own time for their own interest, yet utilizing their town positions. To rehash what Bob has said, if you're signing letters to people that the Town. The Mayor is willing to apologize to anyone who is upset about the letter.

Scarborough motions to adjourn the May 7, 2012, regularly scheduled meeting of the Haymarket Town Council, Tobias seconds;

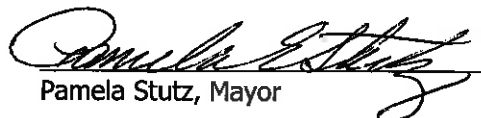
Ayes: 6 Nays: 0

Submitted:



Jennifer Preli, Town Clerk

Approved:



Pamela Stutz, Mayor

**RESOLUTION
20120507-3**

Irrevocable Election Not to Participate in Line of Duty Act Fund

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of The Town of Haymarket to make this irrevocable election to be a non-participating employer with respect to the Fund;

NOW, THEREFORE, IT IS HEREBY RESOLVED that The Town of Haymarket hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and it is further

RESOLVED that the following entities:

Town of Haymarket Police Department

To the best of the knowledge of The Town of Haymarket, constitute the population of its past and present covered employees under the Line of Duty Act; and it is further

RESOLVED that, as a non-participating employer, The Town of Haymarket agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of The Town of Haymarket on or after July 1, 2010; and it is further

RESOLVED that, as a non-participating employer, The Town of Haymarket agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund; and it is further

RESOLVED that The Town of Haymarket shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

Adopted in Haymarket, Virginia this 7th day of May, 2012.


Pamela E. Stutz, Mayor

Motioned By: Weir
Seconded By: Tobias

Ayes: Tobias, Leake, Cole, Scarbrough, Kenworthy, Weir
Nays: 0
Absent: 0
Abstain: 0

ATTEST:


Jennifer Preli, Town Clerk

**RESOLUTION
20120507-4**

Election to Participate with the Virginia Municipal League for funding the Line of Duty Act Mandate

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of The Town of Haymarket to make this irrevocable election to be a non-participating employer with respect to the Fund; and

WHEREAS, it is also the intent of the Town of Haymarket to pool with other non-participating employers in the Commonwealth and self insure through the Virginia Municipal League

NOW, THEREFORE, IT IS HEREBY RESOLVED that The Town of Haymarket hereby elects to self insure through pooling with other jurisdictions in the Commonwealth with the Virginia Municipal League

Adopted in Haymarket, Virginia this 7th day of May, 2012.


Pamela E. Stutz, Mayor

Motioned By: Weir

Seconded By: Tobias

Ayes: Tobias, Leake, Cole, Scarbrough, Kenworthy, Weir

Nays: 0

Absent: 0

Abstain: 0

ATTEST:


Jennifer Preli, Town Clerk



INTEROFFICE MEMORANDUM

TO: MAYOR AND TOWN COUNCIL
FROM: GENE SWEARINGEN
SUBJECT: DISPOSITION OF HAYMARKET OLD TOWN CENTRE FINAL SITE PLAN
DATE: 05-08-12
CC: STAFF

As requested by the Town Council at the April Town Council Meeting, the Planning Commission has identified the following scenarios regarding the disposition of Haymarket Old Town Centre site plan.

1. **No Action by the Town Council.** The period of validity for a final site plan is five years (extended by the State to 2014). Given the association of the Haymarket Old Town Centre site plan with the previous sales contract to purchase the Town Center property, and subsequent termination of the sales contract, it can be argued the site plan does not meet the Town and State Code definition of “final site plan” and would therefore not be a “valid” plan subject to a period of validity. As such, no action by the Town is necessary. Further, the Town owns the land, no purchase contracts are pending, and any site plan for the Town Center property cannot be developed without the Town’s approval and funding.
2. **The Town Council adopts an as-built plan for the existing conditions of the Town Center property in accordance with Town Code Section 58-179.** This would supersede the Town’s previous approval of the Haymarket Old Town Centre site plan. Any subsequent site plan would require Town staff review, Planning Commission recommendation, and Town Council approval.

NOTE: the Town Council has made several decisions regarding the Town Center property which are bringing the property into conformance with the Town’s current development standards. Among other items: 1) renovations of the Old Post Office and Hulfish House; 2) a CIP line-item for a Town Center Master Plan; 3) targeting state transportation monies for the extension of a sidewalk from the Old Carolina Bridge to the Town Center property; 4) parking lot improvements; and 5) exterior/interior renovations to Town Hall building and back building.

3. **The “owner” of the Haymarket Old Town Centre site plan (i.e. the engineering drawings) submits a site plan amendment to incorporate site improvements currently underway at the Town Center property that are not shown on the approved site plan.** The amended plan would require Town staff review, Planning Commission recommendation, and Town Council approval. The Town, as owner of the property, would have to be a party to

the site plan application and the plan could not be developed without the Town's approval. The Town could alternatively acquire the rights to the document and amend the plan on its own.

4. **New structures which are not shown on the Haymarket Old Town Centre site plan can be removed as part of the development of said site plan.** No amendments would be required; however, the plan could not be developed without the property owner's (i.e. the Town's) approval. NOTE: a Town Council action which supersedes the previous site plan, as described in item 2 above, would require the plan to be resubmitted for Town staff review, Planning Commission recommendation, and Town Council approval. The Town could alternatively acquire the rights to the document and develop the plan on its own.