

Town of Haymarket – Town Council Meeting  
15000 Washington Street-Haymarket, VA 20169  
Tuesday, July 5, 2011 – 7:00 p.m.  
Mayor Pamela E. Stutz

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

Pledge of Allegiance is led by Brandon Luersen, Weeblo

Roll Call: Tobias, Leake, Stutz, Scarbrough, Kenworthy, Weir all present  
Cole Absent

**Brandon Luersen**

Brandon is working on obtaining his Weeblos Citizen's Merit Badge. He came this evening to participate and learn about government.

**Public Hearing**

To summarize, the Town is carrying over approximately \$700,000 in unspent funds. These funds represent carry-over from FY 2010 and FY 2011. The Town Council is seeking input from its residents and property owners. The options set out in the advertisement of this public hearing were:

1. \$200,000 to renovate, restore, demolish and/or other disposition of the Red Rooster Building.
2. \$150,000 to renovate, restore, demolish and/or other disposition of the Hulfish House.
3. \$50,000 to renovate, restore, maintain and/or expand the Museum.
4. \$100,000 to repair/repave Town parking lots and Town public ways.
5. \$200,000 to be refunded or credited to real estate tax payers in the Town of Haymarket in proportion to the tax payer's real estate payments for the tax year 2010.

Mayor reads aloud the public hearing advertisement, in its entirety

1<sup>st</sup> Call in favor, 2<sup>nd</sup> Call, 3<sup>rd</sup> Call for those in favor of spending the carry-over funds on one of the advertised expenditures.

**Pam Swinford**

Ms. Swinford is the Chair of the Architectural Review Board. She is speaking on behalf of the board. "The ARB is in favor of the renovation of both the Hulfish House and the Red Rooster Building. The estimated expenditures are \$150,000 on the Hulfish House and \$200,000 on the Red Rooster.

1<sup>st</sup> Call opposed, 2<sup>nd</sup> Call, 3<sup>rd</sup> Call for those opposed to spending the carry-over funds on one of the advertised expenditures.

**Ken Farren**

6864 Saint Paul Drive

He is in favor of restoration of the buildings. \$200,000 in a refund has to go back to the homeowners. If utility companies charge too much, they return it.

**Wendy Caibe-Felt**

6848 Saint Paul Drive

She like that some of the monies be allocated to uses that improve the Town. Returning the money to the taxpayer is a great idea, especially in light of the economy

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**Ken Luersen**

He feels that the monies are from not spending the CIP. Just because we have a surplus, doesn't mean it is mismanagement. We should be very judicious on how we spend this money. Lets put the money where it was meant to be.

**Ralph Ring**

14920 Greenhill Crossing Drive

In favor of allocating the money. There is no consensus as to why the money is available. He believes the money was allocated for improvements. Any money that is not allocated be given back to the taxpayers. "why in a town this size do we have \$700,000 available". Is it going to be there again next year.

**Chuck Carnahan**

6654 Hunting Path Road

He thanks the mayor for sending a notice. He has a lot of questions. He would like to know where this money came from? The suggested expenditures, he is concerned why we have to allocate all of the excess funds. He would appreciate a plan in place. Make a lump sum contribution to the employees retirement plan.

**Sheila Jarboe**

6791 Jefferson Street

She would like to see the Red Rooster restored and money put into the museum. She says take down the Hulfish House.

3<sup>rd</sup> and final call

**Citizen's Time**

**Brandon Luersen**

He is concerned about the bike lanes. He would like the police to watch this. He also suggests to add entertainment for kids. He would like to see a basketball court. He would like to see a sidewalk on Jefferson Street.

**Matt Gallagher**

He wanted to bring to the Council's attention the mishandling of the flags by the Town's contractors. He asks if management could speak with the contractor.

**Ken Luersen**

He would like to see council get involved with VDOT in the planning of the widening of Jefferson/Old Carolina. It should be pedestrian safe

**Ken Farren**

VDOT has reduced the speed coming north on Old Carolina. He has also noticed that. He doesn't care if were known as the speed trap, we need to ticket, ticket, ticket.

**David Kline**

14838 Caboose Trail

He is asking about parking restrictions. There are as many cars from MD & DC in his neighborhood as there are Virginia cars.

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**Sheila Jarboe**

She asks about the money and the status of the foundation. Mayor Stutz responds that she will speak to her off line about the Foundation.

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**Tobias motions to approve the minutes of June 6 & 21, 2011, with corrections provided by Stutz, Tobias, & Weir**

**Leake seconds;**

**Ayes: 5**

**Nays: 0**

**Absent: Cole**

## Zoning Permit Application

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**Weir moves to approve the zoning permit #ZP20110609 for Fashion Forward Salon to be located at 15111 Washington Street, Suite 129, Scarbrough seconds;**

**Ayes: 5**

**Nays: 0**

**Absent: Cole**

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**Weir moves to defer the business license application for Greg Cesario to August 1, Kenworthy seconds;**

**Ayes: 5**

**Nays: 0**

\*\*Point of Order from Tobias – The business license for Cesario should not have appeared on the agenda.

## Hulfish House Status Report

Payne Construction gave an approximate estimate of \$100,000. Town Manager explains that there is water in the basement. So far we have put \$15,500 into the house.

**Weir** comments that the carry-over comes from the policy of not doing anything. Burned rafters in the out building. His not amenable to seeking partnerships that do not develop with prospective tenants. It was his understanding that we would do the partial demo then assess the condition of the building.

**Tobias** states that he spent about 45 minutes talking to the contractor. He estimated between \$100,000 - \$125,000. He feels council should move forward. The historic nature of the building is questionable. Do we really want to spend the money on that building or cut our losses.

## **Mayor**

We have someone interested in the Red Rooster. Her suggestion is to do an analysis like we have done on the Red Rooster.

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**Leake**

How do we question the history of the building? "Hulfish was the first Mayor". He comments that maybe we should get an "appearance renovation" estimate for the outside only.

**Kenworthy**

He doesn't understand just doing an outside renovation.

**Red Rooster Bids**

**Weir** comments that the bids are not acceptable and suggests that perhaps we should revamp the RFP.

**\*\*Weir** would like a date for closing the RFP. Out by July 11 and August 5 @ 4pm deadline  
Scarborough comments that the couple should be contacted to get some serious commitments.  
Weir would like to see a copy before it goes out.

**Historic District Boundary**

The joint public hearing has been held. Maps are handed out. ARB wishes that these boundaries stay the same. Mrs. Swinford explains that she thinks this is the reason people come here to live and have a business.

**Scarborough** would like to keep the Town's historic boundaries the same. The ARB would like to keep it the same, but if it must change, they would like Madison Street & Court included in the historic district.

**Weir:** These changes came about last summer.

**Scarborough motions to not change the historic boundaries of the Town  
NO SECOND, MOTION FAILS**

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**Tobias motions to advertise a public hearing to consider an ordinance to amend the historic district boundaries and the map boundaries of the Town, in accordance with the ordinance and map forwarded by the Planning Commission amended as follows:**

**By removing 6801 Madison Street, and to include the 6 parcels in the I-1**

**Weir seconds;**

**Discussion: Mayor asks what problems we've had in the past. Weir's concern is that if someone takes issue our entire historic ordinance could come into question.**

**Leake is concerned with what color people's sheds are. New communities can be incorporated into historic districts if there is regulation. Weir comments that if you move into a community with an HOA and restrictive covenants the level of enforcement is already there.**

**Tobias-Yes, Leake-No, Scarborough-No, Kenworthy-No, Weir-Yes**

**MOTION FAILS**

**Tobias** suggests that the Planning Commission and the ARB strike a compromise on this matter.

## Commercial Transitional Zoning District

Per the Town Attorney, if the Town Council refers an item to the Planning Commission, then the Commission has the authority to set a joint public hearing.

**Weir** – 2008 CT district was created as a compromise for certain parcels. Subsequent to the adoption of the Comprehensive Plan, the Planning Commission was tasked with text.

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**Weir moves to create new Article IV Commercial Transitional Zoning District within Chapter 58 (Zoning Ordinance of the Town of Haymarket)**

**Whereas, The Town of Haymarket is empowered by the Commonwealth of Virginia to make and adopt a comprehensive plan for the Town and Whereas the Town adopted amendments to its comprehensive plan on September 8, 2008 and the Planned Land Use Map describes and identifies a Commercial Transitional land use category Tobias seconds;**

**Weir** - Questions which version of the text should be considered, text as referred to the Planning Commission or text as amended by the Planning Commission.

Five Minute recess for Town Attorney to consider which text should be considered.

Per the Town Attorney the original text as referred must be considered, Planning Commission did not comply with 100 day review period and thus the amended text is not valid.

**Tobias asks what the next step would be to add the parcels. Scarbrough asks why churches were left out then added later. The question is why is churches left out Scarbrough asks why we should approve the text without churches.**

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

**MOTION FAILS**

\*\*Weir will ask the Planning Commission to initiate a Comprehensive Plan Amendment.

## Revised Fee Schedule

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**Tobias motions to adopt the fee schedule as presented with the amendments that follow:**

**Signs with a recommended fee of zero**

**Certificate of Appropriateness Fees should be struck, with the exception of new construction and demolition**

**Weir seconds; in accordance with 58-6 of the Town Code and an enactment date effective August 1, 2011**

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

## Use of Town Facilities

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**Tobias motions to defer discussions to the continuation meeting,  
Weir suggests returning this for further work.**

**Tobias motions to return the policy to staff for revisions with a directive to solicit  
input from council and reappear on council agenda for August 1, Kenworthy seconds;**

**Ayes: 5**

**Nays: 0**

**Absent: Cole**

## Board Vacancies

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**Tobias moves to reappoint Ken Luersen to the Architectural Review Board; his term is  
to end on July 5, 2015, Scarbrough seconds;**

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

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**Tobias motions to appoint Ralph ring 07/06/2011 to end 06/30/2015, Weir seconds;  
Tobias-Yes, Leake-Abstain, Scarbrough-No, Kenworthy-No, Weir-Yes**

**Mayor breaks tie with a No**

**MOTION FAILS**

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**Weir motions to nominate Matt Gallagher, Steve Aitken, Katherine Harnest, & Ralph  
Ring, to the Board of Zoning Appeals, Tobias seconds;**

**Tobias-Yes, Leake-Yes, Scarbrough-Yes**

## Southern Railway Caboose Enhancement Grant

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**Tobias motions to table discussions of the Caboose Enhancement Grant to later in the  
agenda, Weir seconds;**

**Ayes: 5**

**Nays: 0**

## Records Retention/Destruction Policy

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**Weir moves to adopt the records retention/destruction policy as submitted,  
Tobias-No, Leake-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes**

## Authority of the Planning Commission

Tobias recommends to leave as is and take no action.

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**Tobias motions to not make any changes to Policy #05032010-1 (Land Use Policy),  
Weir seconds**

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

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### Building Officials Report

Tobias asks if he spoke with the contractor. Floor system is bulging and Lowery recommends complete demolition. A bathroom would eat up about 172 square feet.  
Fayette Street House – He asks if building official has proceeded to “notice of demolition by neglect”. Mr. Lowery feels it should be taken down. Tobias asks about the other structures. The entire roof will have to come off at Hulfish from the burnt rafters.

### Police Report-Chief James Roop

Leake asks the Chief how many officers were out last night? There were no officers on duty in the town last night. Plan for enforcement of Hunting Path is 30 days.  
Discussions about various purchases for the department.

### Treasurer’s Report

Audit work began today

If line items are not appropriated then there will be a surplus.

\*\*If anyone questions the competency of the treasurer, can come speak with Tobias personally.

### Appropriations

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**Tobias motions to appropriate the 1<sup>st</sup> Quarter FY 2012 allocations:**

**Capital Improvements \$279,007; Council/Boards \$43,000; Events \$3,375; Museum \$8,915; Operating Expenses \$66,185.25; Public Safety \$21,850; Public Works \$27,525; Staff Wages & Benefits \$697,839; Town Center Property \$70,482.50**

**Weir seconds;**

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

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**Tobias motions to appropriate, from the expected carry-over, \$8,500 from the General Reserve to be reallocated to public safety equipment line item for the specific purchase of 6 Glock hand guns and 6 Tasers, per the Chief’s proposal submitted tonight; Weir seconds;**

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

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**Tobias motions to allow the Police Chief to dispose of the replaced weapons, pursuant to State and Federal Law, Weir seconds;**

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

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**Tobias motions to place on the August 2011 agenda the possible purchase of a new police cruiser; he asks that the Chief provide the Council with 3 different options with regard to type of vehicle, Leake seconds;**

**Ayes: 5**

**Nays: 0**

**Absent: Cole**

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**Weir moves to remove from the table discussion of the Hulfish House, Tobias seconds;**

**Ayes: 5**

**Nays: 0**

**Absent: Cole**

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**Tobias motions to instruct the staff to put out to bid the demolition of the Hulfish House, Weir seconds;**

**Discussion: Leake asks why this has to be looked at as a money-making venture. Tobias suggests that we have Mr. Lowery meet with Payne's Construction to discuss the stability of the structure  
Tobias withdraws motion**

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**Tobias motions to defer any action on the Hulfish House until a written report is provided to the Council and a public appearance from Payne Construction at the July 25, 2011 continuation meeting, and that it be an early agenda item and request that our building official be present as well, Scarbrough seconds;**

**Ayes: 5**

**Nays: 0**

**Absent: Cole**

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**Weir moves to continue the meeting to July 25, 2011**

**Ayes: 5**

**Nays: 0**

**Absent: Cole**

Submitted:

Approved:

  
Jennifer Preli, Town Clerk

  
Pamela E. Stutz, Mayor