

Town of Haymarket – Town Council Meeting
15000 Washington Street-Haymarket, VA 20169
Monday, August 1, 2011 – 7:00 p.m.
Mayor Pamela E. Stutz

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

Roll Call: Tobias, Stutz, Scarbrough, Cole, Scarbrough, Kenworthy, Weir
Leake is absent at roll call
Leake enters meeting at 7:05 p.m.

Citizen's Time

Jim McCurley – Haymarket Station

He asks about maintenance of properties. Does the Town enforce property maintenance such as stockpiling and mowing, etc...?

**Clerk to forward Chuck Carnahan's email of today to Tobias

Maria Turner – Fayette Street

Her mailbox has been hit once again. She saw officers on two separate occasions on Fayette Street, once the officer was there for just minutes then left. She comments on the Saint Paul's School, she was in favor of their expansion, but she asked for additional speed enforcement. The house next to the parsonage has a lot of people living there and she wonders if this has become a group home.

**Mayor asks the Town Manager to speak with Ms. Turner regarding VDOT's recommendations for Fayette Street

**Mayor asks the Chief to speak with Ms. Turner regarding the enforcement on Fayette

Minutes

Scarbrough motions to approve the minutes of July 5 & July 25, 2011 with changes that have already been provided to the Clerk, Kenworthy seconds;

Ayes: 5

Abstain: Cole

Haymarket Lodge – Consolidation and Subdivision

Weir moves that the Town Council approve the subdivision plat titled "Preliminary/Final Plat showing a Consolidation and Subdivision of the Lands of The Hay Market Lodge Charitable Foundation, Inc." prepared by Rinker Design Associates, P.C., dated June 9, 2010, and revised through June 15, 2011, and its associated Deed of Consolidation and Subdivision and Declaration of Easement dated 26 July, 2011, Revised through August 1, 2011 subject to, and conditioned upon, the following:

a. Recordation of all plats and documentation in a form and substance approved by the Town Attorney; and

b. Payment of all costs, fees, and expenses due to the Town

Weir further moves that the foregoing conditions, 1a and 1b, be done and satisfied within 45 days of this date, otherwise this approval shall be void and of no further effect.

Scarbrough seconds;

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

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Zoning Permit Applications

Cole moves to approve the zoning permit application #ZP20110617 for Craig Spero Decales, O.D. to be located at 6601 Jefferson Street (Optometry), Weir seconds

Ayes: 6

Nays: 0

Leake moves to approve the zoning permit application, #ZP20110628, for offices of general business/office use as a campaign headquarters for Hendley for Gainesville District Supervisor at 6719 Leaberry Way, pursuant to Town Code Section 58-381,

Cole seconds;

Ayes: 6

Nays: 0

Weir moves, to approve zoning permit application, #ZP20110706 for office use/business professional as a campaign headquarters for John Stirrup for State Senate, to be located at 14950 Washington Street, pursuant to Town Code Section 58-177, Scarbrough seconds;

Ayes: 6

Nays: 0

Scarbrough moves to approve #ZP20110610 for an auto dealer at 15001 Washington Street, #2, Weir seconds;

See motion below to table

Weir moves to table zoning permit application #ZP20110610 to the building official's report, Scarbrough seconds;

Ayes: 6

Nays: 0

Business License Application

Weir moves to approve Cesario's Inc., as an itinerant merchant for a period not to exceed 90 from Council approval, Scarbrough seconds;

Discussion: Cole asks for exact location. The stand is before the stop sign, but after Pickle Bob's at the Shoppes of Haymarket side parking lot

Ayes: 6

Nays: 0

Weir moves to remove from the table zoning permit #ZP20110610, Tobias seconds;

Ayes: 6

Nays: 0

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Scarborough moves to approve zoning permit #ZP20110610 for an auto dealer to be located at 15001 Washington Street #2, Weir seconds; Approval is contingent upon an occupancy permit being issued by the Building Official

**Ayes: 6
Nays: 0**

Building Official's Report – James Lowery

Weir asks about drainage problem on Sycamore Park. Mr. Lowery explains the drainage swale; some property owners are blocking the flow of storm-water because they do not want it on their property. That is causing a back-up of storm-water on other properties.

Police Report- Chief James Roop

Mayor asks about today's striping, she wishes we had known so that we could have posted a traffic notice. Chief talks about a new Dodge, he is not interested in a Ford Crown Victoria.

Zoning Text Amendments

Marchant Schneider, Town Planner, presents Council with an updated memorandum and a resolution of intent to amend the zoning ordinance. Scarborough asks why volleyball is not listed under the definition of Recreation, commercial, indoor; The Town Attorney responds that it would be covered as an activity offered at Prince William County Schools.

Weir moves to table the zoning text amendments, Tobias seconds;

**Ayes: 6
Nays: 0**

Comcast Franchise Agreement

There is a minor change to the approved franchise agreement. We used a template from Purcellville, Comcast did not catch that the corporate entity is different in Purcellville for Comcast.

**Cole moves to amend the Comcast Cable Franchise Agreement, Resolution #20110801-1 (attached), Tobias seconds;
Tobias-Yes, Leake-Yes, Cole-Yes, Scarborough-Yes, Kenworthy-Yes, Weir-Yes**

Red Rooster & Hulfish House Bids

The Town Manager has sent both RFP's to the State historic preservation and the county's historic preservation department. The Will have a due date of September 2. Weir asks when he expects responses back from the State and County, Weir would like to see their comments.

Tobias asks if we can put gravel in the pothole in front of Ms. Leonard's house.

**Town Manager will talk to VDOT about this pothole

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Status of Brick Sidewalks

Weir has had a couple of residents come to him about the condition of the sidewalk in front of Haymarket Station. Weir suggests that we stabilize this sidewalk immediately. Council asks that staff consult a professional to determine a more permanent cure. We can use Connolly monies for this project.

Contract Positions

Tobias moves to consider the bidding out of contract positions at the September Town Council meeting, Weir seconds;

Ayes: 3

Nays: 3

Mayor breaks the tie with a No, MOTION FAILS

Scarborough motions that we [The Town] have existing professional services that are being provided in a cost effective fashion that the Town not rebid out its contract positions at this time, Kenworthy seconds;

DISCUSSION:

Tobias asks how we know they are provided in a cost effective manner, he reminds that in light of the surplus, we Weir comments that from a business stand point he agrees, however theoretically he would like to see the numbers, he is doubtful anything would change and he is relatively comfortable with the fees we are paying; as a fiscal exercise, he thinks it is the Council's responsibility; Tobias for the record, this is not about changing the positions, this is about fiscal responsibility

Roll Call: Tobias-No, Leake-Yes, Cole-Yes, Scarborough-Yes, Kenworthy-Yes, Weir-No

Use of Town Facilities

The Town Manager presents a draft of the Agreement of Use for Town facilities

Tobias motions to approve the Town Facility Usage Policy (attached) with the effective date of 08/15/2011, Weir seconds;

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

Surplus Property

**September agenda

Zoning Text Amendments

Weir motions to refer to the proposed zoning text amendments to the Planning Commission with the intent to amend, Kenworthy seconds;

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

**Add to PC agenda

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Treasurer's Report

**Tobias motions to recognize the anticipated revenues for the fiscal year 2012 adopted budget, Weir seconds;
Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes**

**Tobias motions to increase the 1st Quarter FY 12 allocations by \$55,516 to accommodate for the \$75,000 annual principal payment on the 2005 Series GO Bond, Weir seconds;
Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes**

Town Manager's Report – Gene Swearingen

- Phone System. We currently have a wireless system, which is probably not the best system for a government.
- Fire funds – All 3 departments have been contacted and the County will address this at an upcoming BOCS meeting.
- Weir asks about the flag contractor issues, have they been addressed.
- Weir asks about PD cruiser, what is the time frame. **September agenda
- I-66 hearing was last week, do we have draft comments ready. TM will send to Weir
- VRE had a hearing last week. Weir asks TM to follow up with VRE
- Event sign has been placed inside our sidewalk
- Recording to a server and relocating. Clerk and TM have a meeting on Thursday

**Weir motions to enter into closed session pursuant to 2.2-3711 A (3) legal advice and consultation with the Town Attorney regarding a lease agreement and A(3) discussion and consideration of publicly held property where in a open meeting could compromise the negotiations, Tobias seconds;
Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes, Stutz-Yes**

**Weir motions that the Council of the Town of Haymarket does hereby certify that to the best of each member's knowledge, only public business matters lawfully exempt from the open meeting requirements by Virginia law were discussed in the closed session to which this certification applies and only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by Council
Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes, Stutz-Yes**

RESOLUTION 20110801-1

The following resolution was duly considered and adopted by a majority of a quorum of the Town Council of the Town of Haymarket, Virginia upon a roll call vote:


RESOLVED, that the Franchise Agreement entered into by the Town of Haymarket purportedly with "Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC" be amended to correct a scrivener's error in reference to the name and that said Agreement entered into on April 5, 2010 be amended to reflect that such Agreement was intended and is properly with Comcast of Virginia, Inc., a Virginia corporation, the earlier reference to the LLC being inaccurate and not the intended party.

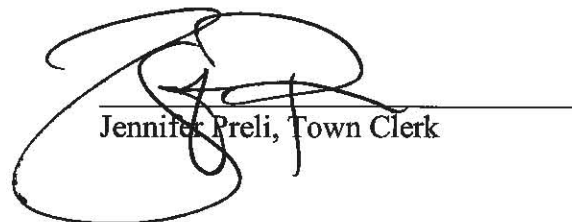
AND BE IT FURTHER RESOLVED, that the Franchise Agreement dated April 5, 2010 be amended to delete Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC and in its place substituted Comcast of Virginia, Inc. No further action is moved or requested in relation to such Franchise Agreement.

Done this 1st Day of August 2011, to be effective upon adoption:

BY:

ATTEST:


Pamela E. Stutz, Mayor


Jennifer Preli, Town Clerk

VOTING AYE: Tobias, Leake, Cole, Scarbrough, Kenworthy, Weir

VOTING NAY: None

The foregoing name change is hereby agreed to:

COMCAST OF VIRGINIA, INC.

BY: Robert P. Jones
Authorized Officer

DATE: August 15, 2011

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Tobias motions that Whereas the Town sent a demand letter for rents due to ATTIVA Corp, dba....Haymarket Professional Services dated July 26, 2011; and Whereas the calculations for the April 2011 rent were erroneous by a time of 2 days; Therefore, be it resolved that the Town will waive \$122.99 for the month of April 2011 rents and \$1.32 in interest for April 2011; Therefore, the current balance due is \$8,825.00, Kenworthy seconds;

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

Weir moves to respectfully reject the letter of intent from Kennedy Haymarket Walking Town Development for the purchase of the entirety of the Town Center Property, Tobias seconds;

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

Cole motions to adjourn the regularly scheduled meeting of August 1, 2011, Kenworthy seconds;

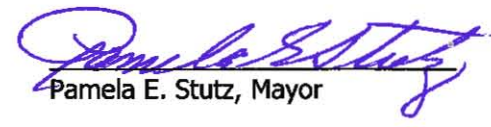
Ayes: 6

Nays: 0

SUBMITTED:

APPROVED:


Jennifer Prell, Town Clerk


Pamela E. Stutz, Mayor

Jennifer Preli

From: CDCARNAHAN@ol.com
Sent: Monday, August 1, 2011 3:00 PM
To: Jennifer Preli
Cc: Pam Stutz
Subject: Citizen Commen 8/1/2011

Hi Jennifer,

I'm not sure if I can make it to the Council meeting tonight. Would you please read the following into the minutes at citizens time this evening?

I feel some may be mischaracterizing my position on the Hulfish house and the Red Rooster, and perhaps I have not been very clear. I have no objection to restoring these structures...if there is a plan.

So what is the plan? Is there a plan? I've not seen it, and I've asked at the last several Council meetings to see a plan.

Are we restoring these to create historic monuments? Are we restoring these to create income producing rental properties for the Town? What is the plan?

When the Town purchased this property it was promised that it would become an INCOME PRODUCING asset to the Town. Here we are 12+ years later it has yet to produce any income. And here we are on the verge of throwing even more money at this property, still without a plan. It is my view that this is nothing different from Mr. Kennedy seeking investors who want to see a return on their investment. Except now the investors are the Townspeople. Show us a plan for a potential return on our investment.

If it is our intent to create income producing rental properties... A plan for each structure should include all of the following:

1. An estimate of how much it will cost to restore each structure to a usable state and desirable for a potential tenant.
2. An estimate of potential rental income to be produced.
3. An estimate of how much it will cost for ongoing maintenance (at least a 10 year plan)
4. Estimated operating expenses, utilities, staff time, leasing commissions, insurance, debt service and principal on the mortgage.
5. Estimated payback calculations to show a Return on Investment (ROI). What is our payback period? 5 years? 10 years? 20 years?

If it is our intent to create historic monuments we have to consider factors such as: can we afford more historic structures and their inherent expenses? (We already have the Museum and Harrover properties that produce no income, but have ongoing expenses) Even as a static historic exhibit we still have to provide maintenance, fire protection, security, utilities, mortgage payments. Show us a plan of how the Town would pay for this? Do we really need more drains on our resources?

Once these plans have been developed, they should only then should the Townspeople be permitted to decide if they wish to have their money expended on these projects.

Sorry to sound like one of those corny life coaches or business consultants, but I have to say.

"If you fail to plan, you plan to fail."

Regards,