

Town of Haymarket Town Council Meeting  
15000 Washington Street, #100~Haymarket, Virginia 20169  
Monday, July 25, 2011  
Mayor Pamela E. Stutz

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

**Roll Call:** Tobias, Leake, Stutz, Scarbrough, Cole, Scarbrough, Kenworthy, Weir

### Citizen's Time

Jorie Martin – Armstrong Management Services

She understands that the council is considering changing the policy of renting the Town Hall. She represents HOA's that are not within the Town, as well as some that are. She is here to ask the council to consider letting other HOA's use the facility just for their meetings. They do not allow food or drink and follow Robert's Rules of Order.

### Hulfish House

The Town Manager met with the demolition contractor, John Payne, and Mr. Lowery together, as council requested. Lowery comments that what is left seems to be fairly stable. Mr. Lowery comments that they did find termites. Handicapped access should be easy enough. The main staircase facing Jefferson Street is wide enough to be used. He suggests that if we do start renovation and run into major issues that we stop and re-assess. He thinks the structure is viable as long as no major problems arise.

Mr. Payne thinks that the building is worth saving, some termite damage was noticeable, however.

Mr. Lowery isn't sure if the water in the crawl is a spring or if it is storm water from the roof top. Lowery says that the crawl can be used for mechanical and electric utilities servicing the building.

Tobias asks both Mr. Payne and Mr. Lowery how much they think it will take to renovate.

Payne thinks \$100,000-\$150,000

Lowery thinks \$75,000 "if we can't do it for that we shouldn't do it."

Cole asks if Lowery will issue a letter that it is no longer condemned. Cole asks again, is it no longer condemned? Lowery responds no, it is no longer condemned.

Stutz asks about the fire damage. Both respond that there is not enough damage to worry about. It is all surface damage. The main building is approximately 800 square feet and the out building is approximately 100 square feet.

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**Cole motions to accept bids for the full renovation of the Hulfish House, in a phased approach. The request for proposal is to be published by August 12, 2011 and the proposals will have a due date of September 2, 2011, Leake seconds;  
Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-No**

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**Tobias motions to set a continuation meeting for September 19, 2011, Cole seconds;  
Ayes: 6  
Nays: 0**

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### Board Vacancies

The mayor would like to continue to solicit interested parties for the vacant seat on the Planning Commission.

### Southern Railway Caboose Enhancement Grant

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**Cole motions to appropriate \$42,750 for the renovation of the caboose as proposed in the Southern Railway Caboose Enhancement Grant that has been approved by The Virginia Department of Transportation. The expectation is that the Town would get a grant return of \$34,000, the difference is the required match by the Town. Monies to come from the Capital Improvement line item, Leake seconds;  
For the record, Weir has a problem with spending transportation funds for decking around an immobile vehicle  
Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-No**

### Fayette Street

We had received concerns from a resident of Fayette Street. She has had concerns for some time now regarding the speeding and how dangerous the road is. VDOT recommends that we install a curve sign, then reduce the speed in the curve. Kenworthy recommends center lines and side lines be painted on the road. Chief Roop comments that for 30 days they monitored the road. They are not speeding on this road, they were there from 5pm-6pm. Tobias asks that we patrol in the mornings also.

\*\*Town Manager to advise the resident of the current findings.

### Town Contract Positions

Item for council's consideration. He would like to hear everyone's opinion on Monday, Aug. 1

\*\*August 1 agenda

### Closed Session Privileges

Weir comments that this issue comes as a result of the special meeting in May, that was in his personal estimation ill advised, a waste of time, and waste of money. His concern is the actions after the meeting, involving violation of the privilege, allegations of unethical conduct. He feels that as elected officials are responsible only to the voters, discussions of other council members should be in the open session. Mr. Bennett comments that there is a difference of opinion among governmental attorneys. His [Mr. Bennett] conclusion is that the privilege can be waived, if the majority of council agrees.

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**Weir moves that the Town Council waive closed session privileges with regard to certain police files, Tobias seconds;  
Weir notes that there is precedence from 2005  
Tobias-Yes, Leake-No, Cole-No, Scarbrough-No, Kenworthy-Yes, Weir-Yes  
Mayor breaks the tie with a "NO"  
MOTION FAILS**

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### Town Manager's Report

- The Town Manager informs council of an error with regard to the payment of street-sweeping
- Comcast
- **\*\*Get answer on equipment for next Monday**
- National Capital Christian Broadcasting – PWC filed the tax sale
- Health Benefits in Retirement – Tobias thinks the Town should come up with a retirement policy at which point employees would be eligible for health care benefits. **\*\*Get a sense of what other jurisdictions are (4).**
- Heating & Air Conditioning Units – he has obtained 3 bids

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**Scarborough motions to allow the Town Manager to enter into contract for up to \$9,500 to replace one outdoor HVAC unit and one air handler, these replacements would service a portion of the 2<sup>nd</sup> floor (western end) of the Town Hall building, with the condition that the Town Manager make all efforts to purchase a high efficiency system, Kenworthy seconds;**

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

**\*\*Fines to be addressed by the Town Manager on August 1**

### I-66 Widening

Weir asks how we want to deal with this, do we want to provide the letter now, or take it to the hearing, or send it after the hearing? The hearing is on Wednesday, July 27; 5:30 – 8:30 p.m. in Manassas. **\*\*Town Manager to attend VDOT public hearing.**

Tobias asks about surplus policy **\*\*August meeting**

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**Weir motions to enter into closed session pursuant to 2.2-3711 A (7) 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, and A(7) legal advice and consultation with the Town Attorney on special called meetings, Tobias seconds;**

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

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Leake motions that the Town credit ATTIVA Corporation for  $\frac{3}{4}$  (.75) of the April 2011 rent due for 15000 Washington Street, Suite 200. All other rent, late charges, and interest are payable as due, Kenworthy seconds;

Discussion: We would like to direct the Town Manager and staff to enforce all other provisions of the lease. Leake amends his motion to include this directive, Kenworthy amends his second;

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

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Tobias motions to respectfully reject the offer from Adrianna Carvajal for the purchase of two parcels and buildings on the Town Center property, Scarbrough seconds;

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

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Tobias resolves that the Haymarket Town Council has the intent to begin a large scale renovation project on the Town Center Property, to include the Hulfish House, Red Rooster, and the main Town Hall building, with the goal to create a fully viable town center, Leake seconds;

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

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Scarbrough motions to adjourn, Leake seconds;

Weir thinks that motioning to adjourn is an improper way of other council members not wanting to discuss certain topics

Ayes: 2

Nays: 4

**MOTION FAILS**

## Tobias

Use of Town surplus funds agenda item. We had talked about a potential refund to the taxpayers.

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Tobias motions to adopt an ordinance to allocate and appropriate the funds totaling \$150,000 to be refunded to the real estate taxpayers in the Town. The refund is based on the taxpayers' 2010 real estate tax and should be issued in the form of a check. Checks should be issued by September 1, 2011; payments are only to be made to those tax payers who were in good standing with their accounts on June 30, 2011, Weir seconds;

Weir and Bennett have spoken with the auditors in detail over this; we do not have to send out 1099's to the taxpayer's for this refund, but each individual must declare it as income. The downside to issuing it as a credit is the effect on one's escrow account;

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

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**Kenworthy moves to reconsider the proposed Commercial Transitional Zoning District,  
Tobias seconds;**

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

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**In a matter public safety, health, and good zoning practice Scarbrough motions to re-  
refer to the Planning Commission the request to draft the zoning text for the  
Commercial Transitional Zoning District, Weir seconds;**

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

**Kenworthy**

He would like the street lights fixed in front of Winterham

**Cole**

Provides train horn & quiet zone update

**Weir**

He asks that the Town Manager and Town Planner notify the candidates about political signs not being allowed in the right of way.

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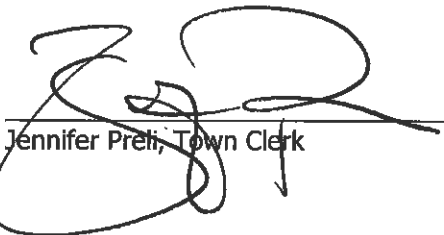
**Scarbrough motions to adjourn the continuation meeting of July 25, 2011 at 10:40  
p.m., Kenworthy seconds;**

**Ayes: 6**

**Nays: 0**

Submitted:

Approved:

  
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Jennifer Preli, Town Clerk

  
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Pamela E. Stutz, Mayor