



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING ~ AGENDA ~

David Leake, Mayor
<http://www.townofhaymarket.org/>

15000 Washington St
Haymarket, VA 20169

Monday, April 25, 2016

5:00 PM

Council Chambers

1. Call to Order

2. Invocation - Rev. Billy Tatum - Antioch Baptist Church

3. Pledge of Allegiance

4. Minutes Acceptance

A. Mayor and Council - Regular Meeting - Mar 7, 2016 5:00 PM

5. Department Reports

- A. Treasurer's Report - Sherrie Wilson
- B. Engineer's Report - Holly Montague
- C. Planner's Report - Marchant Schneider
- D. Building Official's Report - Joe Barbeau, Jr.
- E. Police Report - Chief Eric Noble
- F. Town Manager's Report - Brian Henshaw

6. Break 6:30 PM

7. Citizen's Time

8. Public Hearing

A. Special Use Permit 2016-001

9. Planning Commission Hearing & Special Meeting

10. Agenda Items

- A. Special Use Permit SUP 2016-001
- B. Planning Commission Appointment
- C. Amend Certificate of Take - Parcel 002
- D. Enhanced Retirement Benefit for Law Enforcement Officers
- E. Chapter 58 Article XVII Business Investment Strategic Zone - Brian Henshaw
- F. Dominion VA Power 230 kV Transmission Line & Substation
- G. VRE Update
- H. VML/VACO Municipal Advisory Services

11. Councilmember Time

- A. Matt Caudle
- B. Susan Edwards
- C. Steve Aitken
- D. Chris Morris
- E. Joe Pasanello
- F. Kurt Woods
- G. David Leake

12. Closed Session

- A. Closed Session
- B. Certification of Closed Session

13. Adjournment



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING ~ MINUTES ~

David Leake, Mayor
<http://www.townofhaymarket.org/>

15000 Washington St
Haymarket, VA 20169

Monday, March 7, 2016

5:00 PM

Council Chambers

A Regular Meeting of the Mayor and Council of the Town of Haymarket, VA, was held this evening in the Board Room, Commencing at 5:00 PM

Mayor David Leake called the meeting to order.

1. Call to Order

Councilman Matt Caudle: Late (5:20 PM), Councilman Chris Morris: Present, Councilman Kurt Woods: Absent, Councilman Joe Pasanello: Present, Councilwoman Susan Edwards: Present, Vice Mayor Steve Aitken: Present, Mayor David Leake: Present.

2. Department Reports

- A. Main Street Coordinator's Report - Denise Andrews
- B. Building Official's Report - Joe Barbeau, Jr.
- C. Town Planner's Report - Marchant Schneider
- D. Treasurer's Report - Sherrie Wilson
- E. Engineer's Report - Holly Montague
- F. Police Report - Eric Noble, Chief of Police
- G. Town Manager's Report - Brian Henshaw

3. Break 6:30 PM

4. Invocation - Pastor George Carlisle

Mayor Leake asks that everyone stand in a moment of silence in remembrance of Officer Ashley Guindon who sacrificed her life while on duty in Prince William County. In addition, Mayor Leake asks that we keep Officers Jesse Hempen and David McKeown in our thoughts and prayers while they recover from their injuries sustained in the same violent encounter.

Pastor George D. Carlisle of Mount Pleasant Baptist Church is here this evening to offer the invocation

5. Pledge of Allegiance

6. Citizen's Time

Pete Candland - 14569 Jansbury Street

Mr. Candland is here this evening as a private citizen and as a representative of QBE. He thanks the Town Council for their diligence and hard work fighting the proposed Dominion Power lines. He would like to address a proposal from Dr. Shawn Landry regarding the Lewis home at 14710 Washington Street. They would like to move the structure to the QBE Business Park. By locating it in the Town and near its sister building. QBE will ensure all renovations are completed. He proposes that an dessert shop will occupy the building and provide 10-15 jobs in the Town. They believe all costs that the Town incurs moving the building will be recouped within 2-3 years through business tax and meals tax revenue. QBE is prepared to build a foundation within 45 days of award.

7. Public Hearing

A. Sale of structure located at 14710 Washington Street

Mayor Leake opens the public hearing regarding the sale of the structure located at 14710 Washington Street and asks that if anyone would like to speak in favor or opposed to the sale to please come forward at this time.

No public comment

Minutes Acceptance: Minutes of Mar 7, 2016 5:00 PM (Minutes Acceptance)

RESULT: CLOSED [UNANIMOUS]
MOVER: Steve Aitken, Vice Mayor
SECONDER: Joe Pasanello, Councilman
AYES: Caudle, Morris, Pasanello, Edwards, Aitken
ABSENT: Kurt Woods

8. Minutes Acceptance

A. Mayor and Council - Regular Meeting - Dec 7, 2015 7:00 PM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Steve Aitken, Vice Mayor
SECONDER: Joe Pasanello, Councilman
AYES: Caudle, Morris, Pasanello, Edwards, Aitken
ABSENT: Kurt Woods

B. Mayor and Council - Regular Meeting - Jan 4, 2016 7:00 PM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Steve Aitken, Vice Mayor
SECONDER: Joe Pasanello, Councilman
AYES: Caudle, Morris, Pasanello, Edwards, Aitken
ABSENT: Kurt Woods

C. Mayor and Council - Regular Meeting - Feb 1, 2016 5:00 PM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Steve Aitken, Vice Mayor
SECONDER: Joe Pasanello, Councilman
AYES: Caudle, Morris, Pasanello, Edwards, Aitken
ABSENT: Kurt Woods

9. Agenda Items

A. VDOT - Transform 66 Update

Ms. Susan Shaw is here this evening to discuss VDOT's preferred alternative of the transformation of one lane on I-66, in both directions, becoming a HOT or express lane. VDOT is proposing HOT lanes in both the east and west bound sides of I-66. You will be required to have HOV of 3 or more in order to not be assessed a toll. There would remain three general purpose lanes at all times in both directions. The median will be preserved for future Metro Rail. Design public hearing early 2017; Construction start in spring 2017; open to traffic by 2021.

Vice Mayor Aitken: His primary concern is that I-495 works fine because VDOT took four lanes and made them six. This project on I-66 however is taking four lanes and making 3 regular service lanes. There will be a 25% reduction in service availability. Ms. Shaw responds that traffic analysis show that with a no build condition that we will see degradation in service in the 2040 time frame in the general service lanes. Implementing this project we will see a significant improvement over the no build option. Mr. Aitken is concerned about what happens between 2020 and 2040. Ms. Shaw believes they will start seeing improvements in 2025.

Councilman Morris asks for clarification on the number of lanes available at various times. Ms. Shaw explains currently, there are four lanes, during peak commute times one of the four lanes becomes HOV2. Once those peak times are over the HOV lanes revert back to general purpose. Those times vary depending upon the area. The proposed HOT lanes will be 24/7 HOT/HOV3. If you meet the HOV3 you can travel for free, or you have the option of paying the toll if not HOV3. Councilman Morris asks if the commuters are part of the traffic study that she is referencing. Mr. Morris believes the intent is to help the commuters, but he does not see that is going to happen.

Councilwoman Edwards comments that the tax payers have already paid for that lane that is proposed to be taken away. In addition, we pay a fuel tax at the gas station. The taxpayers are already paying for these roads, and this proposals says we won't be allowed to use them. Ms. Edwards just firmly believes it is wrong to take away something that has already been paid for by taxpayers. Ms. Shaw comments that they are required to reduce their footprint. This corridor is surrounded by parks, VDOT does not believe adding a lane is possible in this area.

Councilman Caudle reiterates what Ms. Edwards said, he feels this is double taxation. Mr. Caudle asks if it was looked at to leave the HOV2 lane then construct the HOT/HOV3 lane. Ms. Shaw explains that VDOT will not be able to quote a price for the toll. The toll you pay on a Monday at 8:00 am may not be the same toll you pay the following Monday at 8:00 am.

Councilman Pasanello asks if there is going to be a floor or a ceiling with the toll rates. Ms. Shaw informs that there is no ceiling. Mr. Pasanello in summary believes that VDOT is looking for diversion; either pay HOV3 or the transit option to relieve traffic flow. Ms. Shaw comments that there is not one piece of this that makes or breaks the project. All aspects need to work for the project to be successful. Mr. Pasanello agrees that we cannot build our way out of this, multimodal is the answer. Mr. Pasanello asks what is the shelf life on the study for this project. Ms. Shaw says it won't be a problem updating the study. Mr. Pasanello asks about the park & ride, how much space is needed. She said they will need 5 acres for the 230 spaces. They will need at least 10 acres for 600 spaces.

Holly Montague asks Ms. Shaw if there is any language preventing the developer to use the 14' shoulders for travel in the future. Between Route 50 and the Beltway, that is an option. They could not do it elsewhere because it could impact the financial viability of the project.

B. Pedestrian Improvements Grant - Engineering Change Order

Move to authorize the Town Manager to execute the change order for the Pedestrian Improvement Project Design and Engineering with RDA Civil Engineering firm in the amount of \$14,414.00 for changing from Basic Acquisition Reports to Appraisals.

Discussion:

Councilman Pasanello asks do we need the additional \$14,000 in the next budget? Yes, it will need to be addressed in the FY 2017 Budget

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Steve Aitken, Vice Mayor
SECONDER:	Chris Morris, Councilman
AYES:	Caudle, Morris, Pasanello, Edwards, Aitken
ABSENT:	Kurt Woods

C. Sale of structure located at 14710 Washington Street

D. I-66 HOV to HOT Lanes - Vice Mayor Steve Aitken

Move to adopt Resolution 2016-001:

A RESOLUTION TO DECLARE THE TOWN OF HAYMARKET'S OPPOSITION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION'S PLANS TO WIDEN INTERSTATE 66 AND CONVERT THE "HIGH OCCUPANCY VEHICLE" (HOV) LANES TO "HIGH OCCUPANCY TOLL" (HOT) LANES

WHEREAS, the Virginia Department of Transportation has announced The Transform 66 Outside the Beltway plan to widen Interstate 66 by one lane, in each direction, for tolled HOT lane use only, and to toll all existing HOV lanes, between the Beltway and Gainesville; and

WHEREAS, the plan also calls for the creation of a high frequency rapid bus service and dedicated lanes to promote higher occupancy vehicular traffic and direct access points to the dedicated lanes; and,

WHEREAS, the proposed plan includes changing the carpooling rules on I-66 from HOV-2 (two

Minutes Acceptance: Minutes of Mar 7, 2016 5:00 PM (Minutes Acceptance)

occupants to use the HOV lanes) to HOV-3 (three occupants to use the HOT lanes), making it more difficult for carpoolers to meet the HOV-3 requirement, and requiring them to pay tolls that could exceed \$10,000 each year if they do not meet the HOV-3 requirement; and

WHEREAS, these changes will eliminate an existing general purpose lane during non peak traffic hours, effectively creating greater congestion on the three remaining general purpose, non-tolled lanes; and

WHEREAS, the Town of Haymarket Town Council is concerned that the proposed plan may result in continued long-term congestion, not result in reduced air pollution, and create greater resident inconvenience at the cost of hundreds of millions of dollars to the Commonwealth, its taxpayers, and to Haymarket residents and users of I-66; and

WHEREAS, the Town of Haymarket supports the emphasis on multi-modal solutions that make it easier for commuters to find alternatives to automobile-based commutes but opposes the elimination of the HOV-2 Lane, supports the use of the HOV lane as a general purpose lane during non-peak traffic times, and opposes HOT lanes that will shift traffic to the remaining three existing lanes that cannot handle the current capacity;

NOW, THEREFORE, BE IT RESOLVED THAT, on March 7, 2016, the Town of Haymarket Town Council voices its opposition to the proposed widening of Interstate 66 for additional HOT lanes only, the conversion of all existing HOV lanes to tolled HOT lanes, the shift from HOV-2 to HOV-3, and the elimination of a general purpose lane during non peak traffic volumes.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Steve Aitken, Vice Mayor
SECONDER:	Susan Edwards, Councilwoman
AYES:	Caudle, Morris, Pasanello, Edwards, Aitken
ABSENT:	Kurt Woods

E. Ordinance - Condition of Premises Chapter 22

With no objection from Council the Mayor directs that this Ordinance be addressed at the April 4, 2016 Town Council meeting

F. House Bill 549

Move to adopt Resolution 2016-002:

**RESOLUTION 2016-002
REQUESTING THE GOVERNOR VETO SENATE BILL 549**

WHEREAS, Senate Bill 549 ("SB 549") will cause significant adverse impacts to the rezoning process as to create uncertainty, increased community impacts and litigation which will negatively impact the development of real property in the Commonwealth of Virginia; and

WHEREAS, SB 549 is antagonistic to orderly, managed and planned growth of vibrant neighborhoods and communities in which to live, work, and play where residents are served by adequate public facilities; and

WHEREAS, SB 549 will inhibit a constructive and collaborative development process between localities and rezoning applicants; and

WHEREAS, SB 549 creates an unfunded mandate by eliminating the ability of localities and developers to adequately mitigate the impacts of development and will cause upward pressure on local tax rates to pay for public facilities that can no longer be proffered in rezoning cases; and

WHEREAS, SB 549 would eliminate the flexibility currently available to localities and developers to customize developments by prohibiting developers from offering innovative proffers, and

Minutes Acceptance: Minutes of Mar 7, 2016 5:00 PM (Minutes Acceptance)

localities from accepting such proffers, to meet the needs of modern and vibrant communities that attract economic development; and

WHEREAS, SB 549 would cause a complete reversal in the body of law governing rezoning cases developed by the highest courts over the last century by transferring the historic presumption of reasonableness from locally elected legislative bodies to land developers; and

WHEREAS, SB 549 would have a chilling effect on the ability of planning commissioners and members of local governing bodies to respond to or address concerns expressed by constituents during the public hearing process thus rendering the public hearing process a mere formality; and

WHEREAS, SB 549 completely eliminates the ability of applicants, despite a genuine desire to do so, to offer proffers for public facilities or improvements where the need for such facilities or improvements is not specifically attributable to the proposed residential development; and

WHEREAS, SB 549 would discourage staff, planning commissioners and local legislators throughout the rezoning process from engaging in constructive discussion of proposed residential rezonings; and

WHEREAS, SB 549 would prohibit applicants from proffering, and localities from accepting proffers for many essential public facilities that would ultimately serve the needs of the eventual residents of proposed residential developments or offsite improvements to mitigate very real light, noise, and visual impacts to adjacent properties.

NOW, THEREFORE, BE IT RESOLVED that the Town of Haymarket, calls upon the Honorable Terence R. McAuliffe, Governor of the Commonwealth of Virginia to veto Senate Bill 549.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Steve Aitken, Vice Mayor
SECONDER:	Susan Edwards, Councilwoman
AYES:	Caudle, Morris, Pasanello, Edwards, Aitken
ABSENT:	Kurt Woods

G. Closed Session

Move to enter into closed session pursuant to 2.2-3711 A

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, specifically the Finley Construction Contract

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Caudle, Morris, Pasanello, Edwards, Aitken, Leake
ABSENT:	Kurt Woods

H. Certification of Closed Session

Move to certify that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.

Minutes Acceptance: Minutes of Mar 7, 2016 5:00 PM (Minutes Acceptance)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Steve Aitken, Vice Mayor
SECONDER:	Susan Edwards, Councilwoman
AYES:	Caudle, Morris, Pasanello, Edwards, Aitken, Leake
ABSENT:	Kurt Woods

I. VRE Update

Councilman Pasanello announces that there are some upcoming committee meetings with VRE. There will be more information after those committee meetings.

J. Dominion Virginia Power 230 kV Transmission Line & Substation

10. Councilmember Time

A. Susan Edwards

➤ Councilwoman Edwards has nothing additional to add this evening

B. Joe Pasanello

➤ Councilman Pasanello wishes everyone a Happy Easter

C. Chris Morris

➤ Councilman Morris has nothing additional to add this evening

D. Steve Aitken

➤ Vice Mayor Aitken is not in favor of keeping the work session and the regular meeting into one evening. He believes it does not give time to dialogue and discussion amongst themselves.

E. Matt Caudle

F. Kurt Woods

➤ Councilman Woods is absent this evening

G. David Leake

➤ Mayor Leake polls the other Council Members to see if they are okay with the format of combining the work session and the regular meeting together. With Woods being absent all Council does like the new format except for Vice Mayor Aitken. It is recommended that if a member of Council does not feel comfortable with the information provided that the matter be tabled

➤ Mayor Leake informs that the Greenhill Crossing Community has installed blue lighting on their signs in remembrance of Ashley Guindon. In addition he has issued a half-staff flag order for Officer Guindon. The flag will remain half-staff until Mrs. Nancy Reagan is interred.

11. Adjournment

A. Motion to Adjourn

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joe Pasanello, Councilman
SECONDER:	Susan Edwards, Councilwoman
AYES:	Caudle, Morris, Pasanello, Edwards, Aitken
ABSENT:	Kurt Woods

Submitted:

Approved:

Jennifer Preli, Town Clerk

David Leake, Mayor

Minutes Acceptance: Minutes of Mar 7, 2016 5:00 PM (Minutes Acceptance)



TO: Town of Haymarket Town Council
SUBJECT: Treasurer's Report
DATE: 04/25/16

- The current year Profit & Loss report is attached
- At this point in the budget thru April, categories should not exceed 83% of the Budget. There are very few Expense categories that exceed the 83% at this time. Business License Tax is due by April 30th so we will see an increase in that Revenue line item soon. Bank Stock Tax will be received towards the end of May.
- There will be a Budget Work Session on April 18th at 5:00pm, to discuss the upcoming 2016-2017 Budget.

ATTACHMENTS:

- 2 - Treasurers Report P and L (PDF)

10:34 AM
04/14/16
Accrual Basis

Town of Haymarket
Profit & Loss Budget vs. Actual
July 2015 through April 14, 2016

	Jul '15 - Jun 16	Budget	% of Budget
Ordinary Income/Expense			
Income			
GENERAL PROPERTY TAXES			
Real Estate - Current	287,863.21	292,000.00	98.6%
Public Service Corp RE Tax	10,080.19	9,000.00	112.0%
Penalties - All Property Taxes	667.13		
Interest - All Property Taxes	280.40		
Total GENERAL PROPERTY TAXES	298,890.93	301,000.00	99.3%
OTHER LOCAL TAXES			
Sales Tax Receipts	115,398.84	130,000.00	88.8%
Meals Tax - Current	351,541.25	450,000.00	78.1%
Consumer Utility Tax	104,805.12	120,000.00	87.3%
Bank Stock Tax	0.00	25,000.00	0.0%
Business License Tax	66,651.37	176,000.00	37.9%
Penalties (Non-Property)	2,900.12		
Cigarette Tax	166,584.75	220,000.00	75.7%
Total OTHER LOCAL TAXES	807,881.45	1,121,000.00	72.1%
PERMITS,FEES & LICENESES			
Occupancy Permits	400.00	500.00	80.0%
Inspection Fees	17,640.00	7,000.00	252.0%
Other Planning & Permits	20,200.00	30,000.00	67.3%
Application Fees	1,200.00	2,000.00	60.0%
Motor Vehicle Licenses	1,477.00	1,000.00	147.7%
Total PERMITS,FEES & LICENESES	40,917.00	40,500.00	101.0%
FINES & FORFEITURES			
Fines	41,823.52	48,000.00	87.1%
Total FINES & FORFEITURES	41,823.52	48,000.00	87.1%
REVENUE - SPONSORED TOWN EVENTS	48,453.17	65,000.00	74.5%
MISCELLANEOUS REVENUE			
Miscellaneous	115.00		
Total MISCELLANEOUS REVENUE	115.00		
MISCELLANEOUS			
Earnings on VACO/VML Investment	3,230.57		
Sale of Salvage & Surplus	5.00	0.00	100.0%
Recovered Costs- Private Events	300.00	5,000.00	6.0%
Interest on Bank Deposits	612.37	100.00	612.4%
Interest (Non-Property)	33.81		
Citations & Accident Reports	1,610.00	1,000.00	161.0%
Total MISCELLANEOUS	5,791.75	6,100.00	94.9%
RENTAL (USE OF PROPERTY)			
Suite 110 Rental Income	0.00	26,850.00	0.0%
Suite 206 Rental Income	70,169.00	84,100.00	83.4%
Suite 200 Rental Income	4,125.65	4,830.00	85.4%
15020 Wash St Rental Income	35,598.30	42,735.00	83.3%
6630 Jefferson St Rental Income	26,150.00	41,055.00	63.7%
Town Hall Rental Income	700.00	1,200.00	58.3%
RENTAL (USE OF PROPERTY) - Other	3,811.50		
Total RENTAL (USE OF PROPERTY)	140,554.45	200,770.00	70.0%
INTEREST ON BANK DEPOSITS	9,456.44		
REVENUE FROM COMMONWEALTH			
Other	15.23		
Communications Tax	91,683.43	120,000.00	76.4%
Department of Fire Programs	38,200.00	41,200.00	92.7%
599 Law Enforcement Grant	21,276.00	28,334.00	75.1%
Personal Property Tax Reimburse	18,626.97	18,600.00	100.1%
Car Rental Reimbursement	4,039.14	4,500.00	89.8%
Railroad Rolling Stock	1,514.70	1,400.00	108.2%
REVENUE FROM COMMONWEALTH - Other	2,137.78		
Total REVENUE FROM COMMONWEALTH	177,493.25	214,034.00	82.9%

Attachment: 2 - Treasurers Report P and L (2785 : Treasurer's Report)

10:34 AM
04/14/16
Accrual Basis

Town of Haymarket
Profit & Loss Budget vs. Actual
July 2015 through April 14, 2016

	Jul '15 - Jun 16	Budget	% of Budget
REVENUE FROM FEDERAL GOVERNMENT			
PEDESTRIAN IMPROVEMENT GRANT	44,418.00	250,000.00	17.8%
CABOOSE ENHANCEMENT GRANT	740.00	38,500.00	1.9%
Total REVENUE FROM FEDERAL GOVERNMENT	45,158.00	288,500.00	15.7%
TRANSFER OF CASH RESERVES	0.00	1,178,499.00	0.0%
Total Income	1,616,534.96	3,463,403.00	46.7%
Gross Profit	1,616,534.96	3,463,403.00	46.7%
Expense			
01 - ADMINISTRATION			
11100 - TOWN COUNCIL			
Salaries & Wages - Regular	16,850.00	32,100.00	52.5%
FICA/Medicare	1,241.61	2,000.00	62.1%
Unemployment Insurance	203.88	1,350.00	15.1%
Mileage Allowance	638.13	750.00	85.1%
Meals and Lodging	2,796.37	3,500.00	79.9%
Convention & Education	3,380.00	4,000.00	84.5%
Total 11100 - TOWN COUNCIL	25,109.99	43,700.00	57.5%
12110 - TOWN ADMINISTRATION			
Salaries/Wages-Regular	211,372.19	243,600.00	86.8%
Salaries/Wages - Overtime	5,779.04	8,000.00	72.2%
Salaries/Wages - Part Time	53,287.05	92,700.00	57.5%
FICA/Medicare	23,507.64	22,165.00	106.1%
VRS	14,968.90	15,660.00	95.6%
Health Insurance	41,657.01	46,772.00	89.1%
Life Insurance	2,235.47	3,151.00	70.9%
Disability Insurance	1,680.59	2,600.00	64.6%
Unemployment Insurance	-286.23	2,550.00	-11.2%
Worker's Compensation	543.55	350.00	155.3%
Liability Insurance	10,689.00	9,000.00	118.8%
Accounting Services	5,873.79	8,000.00	73.4%
Cigarette Tax Administration	4,419.82	4,000.00	110.5%
Printing & Binding	10,292.76	13,000.00	79.2%
Advertising	8,806.00	10,000.00	88.1%
Computer, Internet & Website Svc	15,197.23	24,000.00	63.3%
Postage	2,676.01	4,500.00	59.5%
Telecommunications	4,939.73	4,500.00	109.8%
Mileage Allowance	2,249.27	2,500.00	90.0%
Meals & Lodging	3,005.84	5,000.00	60.1%
Convention & Education	12,699.30	15,000.00	84.7%
Discretionary Fund	2,159.00	2,000.00	108.0%
Books, Dues & Subscriptions	3,154.90	3,000.00	105.2%
Office Supplies	2,795.37	4,500.00	62.1%
Capital Outlay-Machinery/Equip	9,997.00	25,000.00	40.0%
66900 - Reconciliation Discrepancies	0.03		
Total 12110 - TOWN ADMINISTRATION	453,700.26	571,548.00	79.4%
12210 - LEGAL SERVICES			
Legal Services	104,617.98	120,000.00	87.2%
Total 12210 - LEGAL SERVICES	104,617.98	120,000.00	87.2%
12240 - INDEPENDENT AUDITOR			
Auditing Services	16,150.00	16,000.00	100.9%
Total 12240 - INDEPENDENT AUDITOR	16,150.00	16,000.00	100.9%
Total 01 - ADMINISTRATION	599,578.23	751,248.00	79.8%

Attachment: 2 - Treasurers Report P and L (2785 : Treasurer's Report)

10:34 AM
04/14/16
Accrual Basis

Town of Haymarket
Profit & Loss Budget vs. Actual
July 2015 through April 14, 2016

	Jul '15 - Jun 16	Budget	% of Budget
03 - PUBLIC SAFETY			
31100 - POLICE DEPARTMENT			
Salaries & Wages - Regular	325,828.99	359,000.00	90.8%
Salaries & Wages - Overtime	9,747.87	12,000.00	81.2%
Salaries & Wages - Part Time	11,300.18	10,500.00	107.6%
FICA/MEDICARE	23,659.73	23,000.00	102.9%
VRS	15,796.00	22,385.00	70.6%
Health Insurance	60,346.58	81,700.00	73.9%
Life Insurance	3,459.20	3,505.00	98.7%
Disability Insurance	2,059.40	2,250.00	91.5%
Unemployment Insurance	1,763.62	2,600.00	67.8%
Workers' Compensation Insurance	9,937.45	6,900.00	144.0%
Line of Duty Act Insurance	1,554.00	1,550.00	100.3%
Legal Services	10,264.54	15,500.00	66.2%
Repairs & Maintenance	5,768.00	8,000.00	72.1%
Advertising	0.00	150.00	0.0%
Electrical Services	2,639.61	5,500.00	48.0%
Computer, Internet & Website	2,423.57	5,000.00	48.5%
Postage	224.49	300.00	74.8%
Telecommunications	11,376.18	12,000.00	94.8%
General Prop Ins (Veh. & Bldg)	9,648.00	10,450.00	92.3%
Mileage Allowance	98.33	300.00	32.8%
Meals and Lodging	125.43	500.00	25.1%
Convention & Education	1,722.00	1,000.00	172.2%
Misc - Discretionary Fund	334.82	1,500.00	22.3%
Books Dues & Subscriptions	3,117.68	6,000.00	52.0%
Office Supplies	2,237.76	4,000.00	55.9%
Vehicle Fuels	10,770.97	17,000.00	63.4%
Vehicle Maintenance/Supplies	10,561.11	23,500.00	44.9%
Uniforms & Police Supplies	6,719.19	8,000.00	84.0%
Mobile Data Computer Netwk Svc	0.00	10,000.00	0.0%
Capital Outlay-Machinery/Equip	45,398.45	53,000.00	85.7%
Total 31100 - POLICE DEPARTMENT	588,883.15	707,090.00	83.3%
34100 - BUILDING OFFICIAL	37,887.50	50,000.00	75.8%
32100 - FIRE & RESCUE			
Contributions to other Govt Ent	38,801.46	40,200.00	96.5%
Total 32100 - FIRE & RESCUE	38,801.46	40,200.00	96.5%
Total 03 - PUBLIC SAFETY	665,572.11	797,290.00	83.5%
04 - PUBLIC WORKS			
43200 - REFUSE COLLECTION			
Trash Removal Contract	65,039.08	80,000.00	81.3%
Total 43200 - REFUSE COLLECTION	65,039.08	80,000.00	81.3%
43100 - MAINT OF 15000 Wash St./Grounds			
Repairs/Maintenance Services	45,266.34	65,200.00	69.4%
Maint Svc Contract-Pest Control	1,455.00	2,000.00	72.8%
Maint Svc Contract-Landscaping	27,669.75	30,000.00	92.2%
Maint Svc Contract Snow Removal	22,502.50	4,000.00	562.6%
Maint Svc Cont- Street Cleaning	8,710.00	10,000.00	87.1%
Electric/Gas Services	10,565.12	10,000.00	105.7%
Electrical Services-Streetlight	4,271.72	5,200.00	82.1%
Water & Sewer Services	1,087.70	1,500.00	72.5%
Janitorial Supplies	774.21	1,000.00	77.4%
Capital Outlay-Machinery/Equip	0.00	37,000.00	0.0%
Real Estate Taxes	2,274.40	2,500.00	91.0%
Total 43100 - MAINT OF 15000 Wash St./Grounds	124,576.74	168,400.00	74.0%
Total 04 - PUBLIC WORKS	189,615.82	248,400.00	76.3%
07 - PARKS, REC & CULTURAL			
71110 - EVENTS			
Contractual Services	45,322.00	65,000.00	69.7%
Total 71110 - EVENTS	45,322.00	65,000.00	69.7%

Attachment: 2 - Treasurers Report P and L (2785 : Treasurer's Report)

10:34 AM
04/14/16
Accrual Basis

Town of Haymarket
Profit & Loss Budget vs. Actual
July 2015 through April 14, 2016

	Jul '15 - Jun 16	Budget	% of Budget
72200 - MUSEUM			
Salaries & Wages - Part Time	0.00		
Advertising	454.50	2,000.00	22.7%
Postage	0.00	100.00	0.0%
Telecommunications	1,566.80	1,500.00	104.5%
Convention & Education	0.00	500.00	0.0%
Mileage Allowance	169.65	200.00	84.8%
Books, Dues & Subscriptions	0.00	500.00	0.0%
Office Supplies	17.07	800.00	2.1%
Exhibits & Programs	990.50	3,000.00	33.0%
Capital Outlay-Furn/Fixtures	0.00	10,000.00	0.0%
Total 72200 - MUSEUM	3,198.52	18,600.00	17.2%
Total 07 - PARKS, REC & CULTURAL	48,520.52	83,600.00	58.0%
08 - COMMUNITY DEVELOPMENT			
81100 - PLANNING COMMISSION			
Salaries & Wages - Regular	3,458.20	6,000.00	57.6%
FICA/Medicare	110.16	850.00	13.0%
Consultants	20,428.00	60,000.00	34.0%
Mileage Allowance	486.45	500.00	97.3%
Meals & Lodging	258.31	1,000.00	25.8%
Convention/Education	1,692.48	2,500.00	67.7%
Books/Dues/Subscriptions	0.00	300.00	0.0%
Total 81100 - PLANNING COMMISSION	26,433.60	71,150.00	37.2%
81110 - ARCHITECTURAL REVIEW BOARD			
Salaries & Wages - Regular	2,460.00	5,500.00	44.7%
FICA/Medicare	53.93	850.00	6.3%
Mileage Allowance	0.00	500.00	0.0%
Meals & Lodging	0.00	1,000.00	0.0%
Convention & Education	0.00	1,000.00	0.0%
Books/Dues/Subscriptions	0.00	300.00	0.0%
Total 81110 - ARCHITECTURAL REVIEW BOARD	2,513.93	9,150.00	27.5%
Total 08 - COMMUNITY DEVELOPMENT	28,947.53	80,300.00	36.0%
09 - NON-DEPARTMENTAL			
95100 - DEBT SERVICE			
General Obligation Bond	189,065.02	189,065.00	100.0%
Total 95100 - DEBT SERVICE	189,065.02	189,065.00	100.0%
Total 09 - NON-DEPARTMENTAL	189,065.02	189,065.00	100.0%
94100 - WASH ST. ENHANCEMENT PROJECT			
Maintenance/Beautification	4,057.64	10,000.00	40.6%
Street Scape Construction	189,797.84	247,797.84	76.6%
Total 94100 - WASH ST. ENHANCEMENT PROJECT	193,855.48	257,797.84	75.2%
94101 - CABOOSE ENHANCEMENT PROJECT			
Construction	950.00	38,500.00	2.5%
Total 94101 - CABOOSE ENHANCEMENT PROJECT	950.00	38,500.00	2.5%
TOWN CENTER MASTER PLAN			
Construction	115,654.05	435,000.00	26.6%
Architectural/Engineering Fees	67,274.20		
Total TOWN CENTER MASTER PLAN	182,928.25	435,000.00	42.1%
HARROVER MASTER PLAN			
Construction	12,925.00	235,000.00	5.5%
Architecture/Engineering Fees	7,912.50	75,000.00	10.6%
Drafting of Plan	0.00	0.00	0.0%
Total HARROVER MASTER PLAN	20,837.50	310,000.00	6.7%

Attachment: 2 - Treasurers Report P and L (2785 : Treasurer's Report)

10:34 AM
04/14/16
Accrual Basis

Town of Haymarket
Profit & Loss Budget vs. Actual
July 2015 through April 14, 2016

	Jul '15 - Jun 16	Budget	% of Budget
PEDESTRIAN IMPROVEMENT PROJECT			
Architectural/Engineering Fees	48,425.00	250,000.00	19.4%
Total PEDESTRIAN IMPROVEMENT PROJECT	48,425.00	250,000.00	19.4%
General Reserve	0.00	22,202.16	0.0%
PERSONNEL			
EMPLOYEE BENEFITS			
6560 - Payroll Processing Fees	72.98		
Total EMPLOYEE BENEFITS	72.98		
Total PERSONNEL	72.98		
Total Expense	2,168,368.44	3,463,403.00	62.6%
Net Ordinary Income	-551,833.48	0.00	100.0%
Net Income	-551,833.48	0.00	100.0%

Attachment: 2 - Treasurers Report P and L (2785 : Treasurer's Report)



TO: Town of Haymarket Town Council
 SUBJECT: Engineer's Report
 DATE: 04/25/16

Enhancement Project

- All outstanding work orders for material and labor have been received and approved. All invoices have been received.
- Finley has completed all punch out work including the buffer topsoiling/re-seeding.
- I have reviewed and approved the Final Invoice and requested it be processed for payment.
- Once the Final Invoice has been paid, close out procedures (paperwork) will commence with VDOT.

Caboose

- At the writing of this report, substantial construction will be complete on April 15.
- On April 13 it was brought to my attention that there was no access provided between the deck and the caboose platform and the deck railing blocks this access.
- The plans allude to this access but it is not clear or specifically called out.
- I have told Genesis we want access and they agreed that it was an easy fix.
- At the time of writing this report, the possibility of time extension and change order have been mentioned and will be discussed once completion of all other items in the contract are completed on April 15. There is a budgeted contingency on this project.

VRE Gainesville-Haymarket Extension

- There will be a Community Meeting for the VRE Gainesville-Haymarket Extension for the public:
 - Wednesday, April 27, 2016
 - 6:00 PM - 8:00 PM
 - Gainesville Middle School
 - 8001 Limestone Dr
 - Gainesville, VA 20155
- Meeting information has been posted on the Town's website. The notice of the Community Meeting will be posted on the Town's Facebook page the Monday before the meeting.
- All are encouraged to inform residents of the upcoming meeting and to attend the meeting to hear resident's opinions.



TO: Town of Haymarket Town Council
SUBJECT: Planner's Report
DATE: 04/25/16

Ongoing Projects

- Village of Haymarket Phase II. Work continues on lot Lot 51 and 52 (corner of Washington Street and Bleight Drive).
- Chick-fil-A. Construction underway.
- Ice Rink Expansion. Construction underway.
- Sign Ordinance. Staff and the Town Attorney continue to revise the sign ordinance per recent court decisions regarding holiday signs. The Ordinance is tentatively scheduled for Council hearing in June.

Development Review

- Other Plans. Staff continues to review site plans submitted by Haymarket Self Storage, Haymarket Masonic Lodge, Signature Companies, Haymarket Fairgrounds Rezoning, and Haymarket Baptist Church. Staff will provide an update at the meeting.



TO: Town of Haymarket Town Council
 SUBJECT: Building Official's Report
 DATE: 04/25/16

Permits Issued

March 21 & 22:

- Issued both Plumbing and Mechanical permits for Chick-fil-A Restaurant.

March 23:

- Permit to install a French Drain system in the basement of 14600 Washington Street.

March 31:

- Permits issued for Mechanical and Plumbing for lots 51 & 52 Bleight Drive. Electrical Permit issued to connect work trailer at the Iceplex project located at 15151 Washington Street.

April 12:

- Permit was granted to disassemble illegal work at 14881 Greenhill Crossing Road.
- Permit was issued to Shawn Landry to move the old HPD structure on the Harrover Property to a site at the Pace West School site. A cooperative agreement will allow this move to traverse the site of the Bleight Drive construction.

April 14:

- Permit to construct a deck was issued at Caboose Trail and Greenhill Crossing Drive.

Certificates of Occupancy Issued

- No Certificates of Occupancy have been issued this month.

Inspections

March 24:

- Inspection to verify setbacks was conducted for lots 51 and 52 Bleight Drive.

April 1:

- Inspection of installations of rooftop HVAC units at McDonald's Restaurant at 6740 Leaberry Way, was conducted and approved.

April 4:

- Inspection of under slab plumbing conducted and passed at QBE, 14600 Washington Street.

April 5:

- Plumbing Rough in Inspection for HPD facilities conducted and approved.
- Groundworks Plumbing Inspection at 15250 Washington Street, was approved.

April 7:

- Groundworks Electrical Inspections was approved at 15250 Washington Street.
- Groundworks plumbing inspections at lots 51 & 52 Bleight Drive were approved.

April 13:

- Groundworks inspections for light pole power installations and preparations to place concrete slab at 15250 Washington Street were approved.
- Building and partial electrical inspections were approved at the new HPD location.

April 14:

- Temporary Power Facility Inspections at 15250 Washington Street was approved.

April 15:

- Scheduled inspection for Deck Final at the Museum.

Document Review

- No documents under review at this time.

Actions

- As mentioned above, a permit to remove illegal work at 14881 Greenhill Crossing Road has been issued. This allows the owner to restore that area to its original configuration.

Recommendations

- This office has no recommendations for the council at this time.

Other

- Bleight Drive homes are using a Third Party Inspector for the concrete work on that site. These reports are on file after being reviewed by the Building Office.



TO: Town of Haymarket Town Council
SUBJECT: Police Report
DATE: 04/25/16

ATTACHMENTS:

- Police Report May 2016 (PDF)



**Haymarket Police Department
Monthly Town Council Report
May, 2016**



Significant Incidents

NATURE	DATE	TIME	LOCATION (BLOCK)	DETAILS
Assault	03/05/2016	12:15 pm	15201 Washington St (Food Lion parking lot)	Reported that female assaulted juvenile male. Adult female arrested for Assault and Battery.
DUI	03/09/2016	10:22 pm	Route 15 & Route 55	Traffic stop made for traveling in wrong lane. Adult female driver arrested for DUI.
DUI	03/27/2016	12:08 am	Route 55 @ Coach Way	Traffic stop for vehicle traveling in wrong lane resulted in adult female arrest for DUI.
Possess Marijuana	03/18/2016	12:15 am	John Marshal & Trading Square	Traffic stop for defective exhaust resulted in 1 adult male arrested for Driving Suspended and Possession of Marijuana, 1 other adult male arrest for Possession of Marijuana, and 1 adult male for Underage Possession of Alcohol.
Possess Marijuana	03/19/2016	4:18 am	Route 15 & I66 Ramp	Traffic stop for Speeding resulted in adult male arrest for Possession of Marijuana.
Possess Marijuana	03/20/2016	12:30 pm	Jefferson Street	Traffic stop for Speeding resulted in juvenile male arrested for Possession of Marijuana and Paraphernalia
Possess Marijuana	03/29/2016	12:53 pm	Washington St. @ Costello Way	Traffic stop for Defective Equipment resulted in adult male arrest for Possession of Marijuana and cited for Driving while Suspended

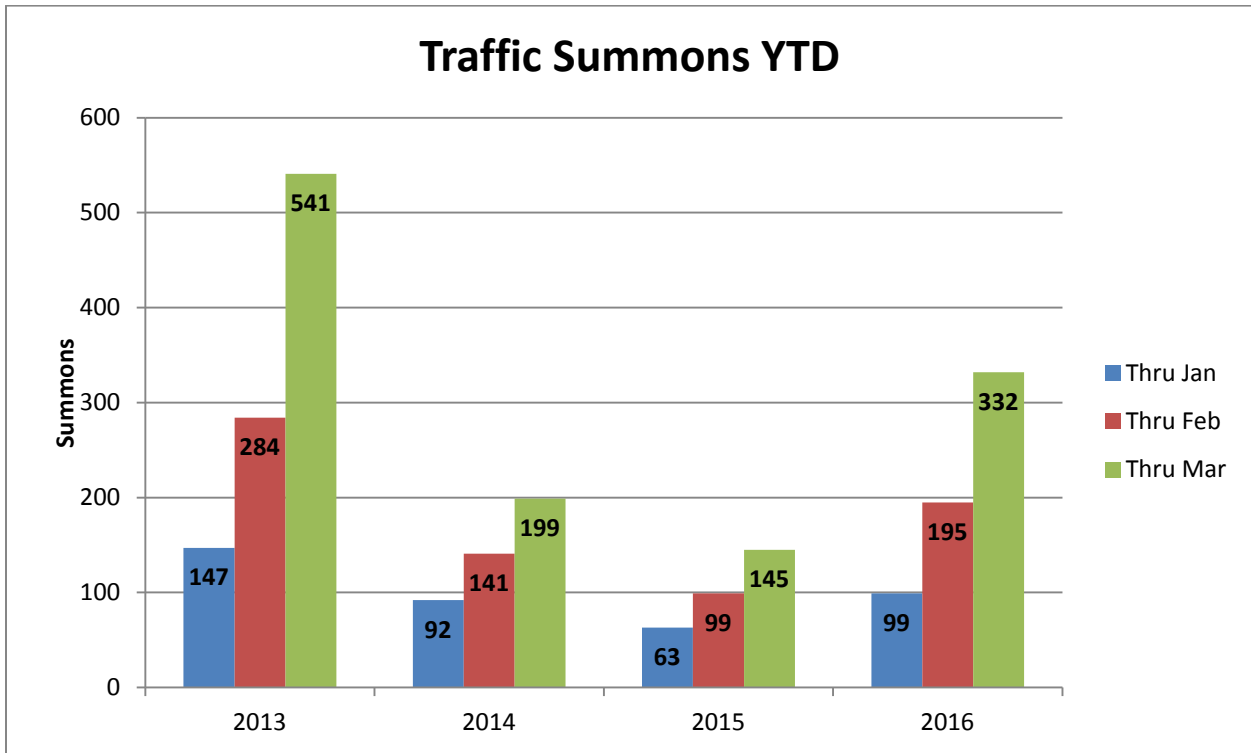
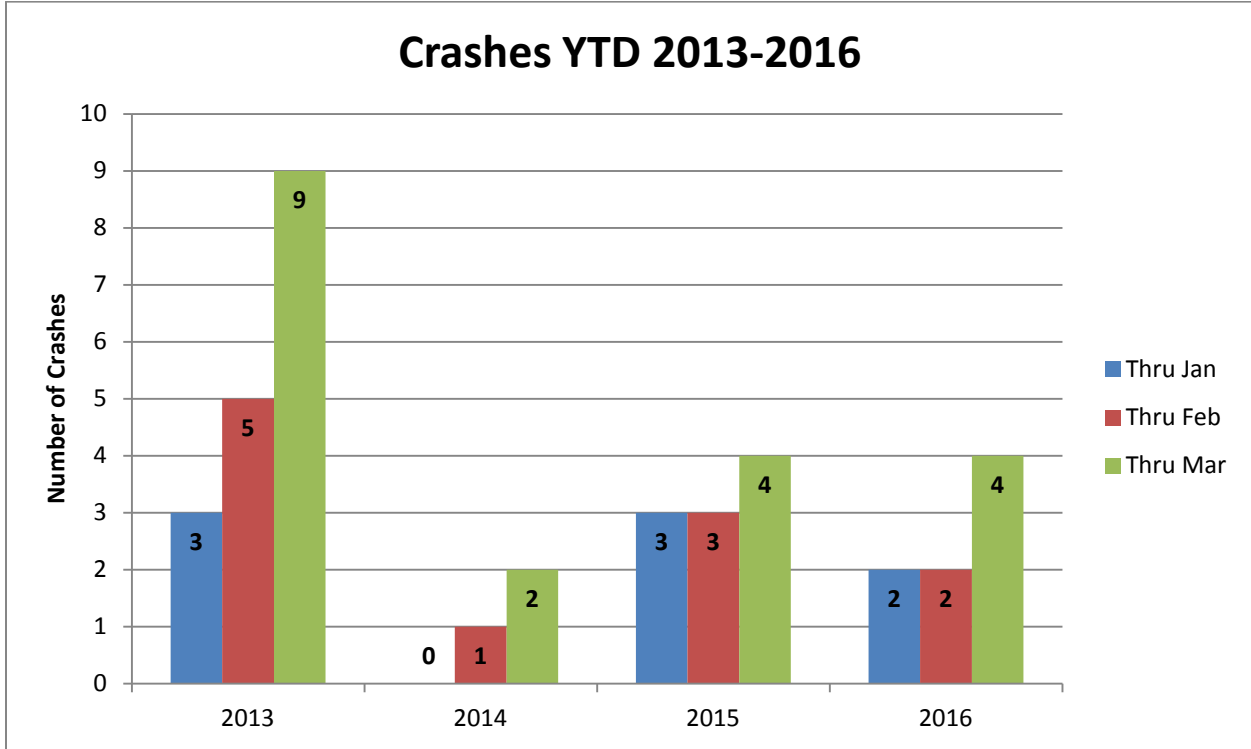
Attachment: Police Report May 2016 (2787 : Police Report)



Haymarket Police Department



Crash/Enforcement YTD



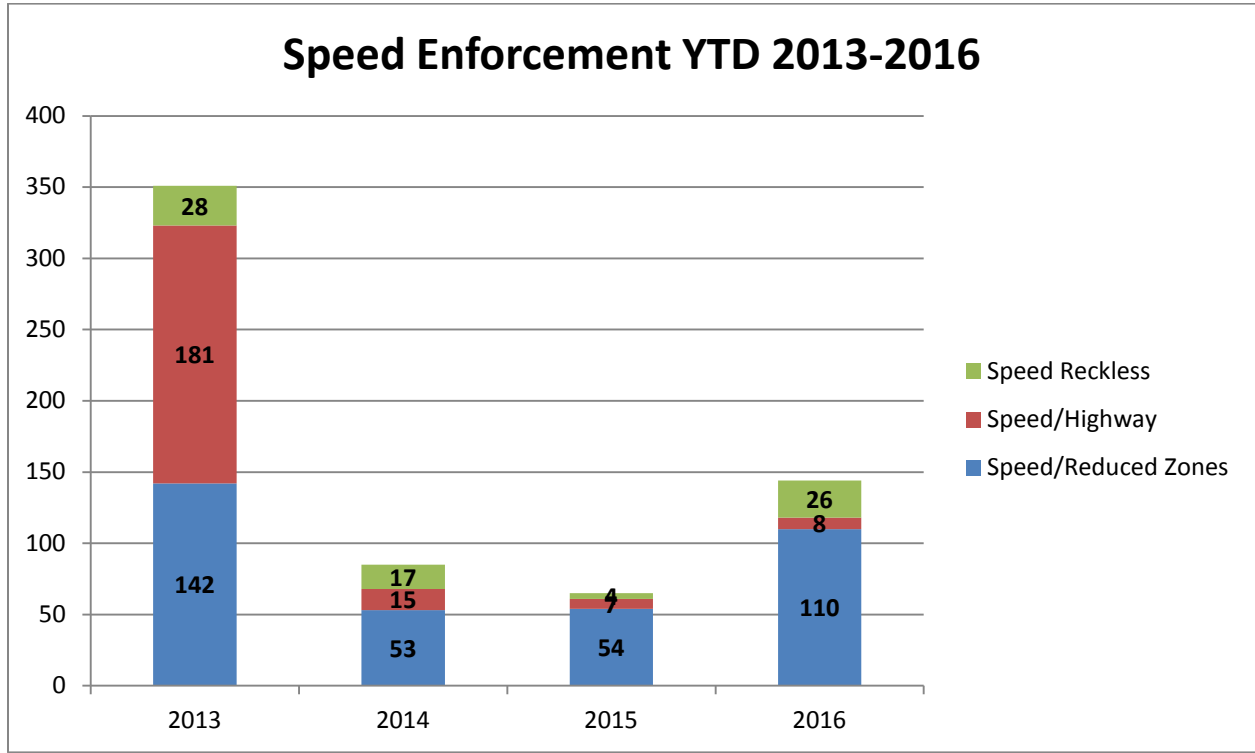
Attachment: Police Report May 2016 (2787 : Police Report)



Haymarket Police Department



Crash/Enforcement YTD



Attachment: Police Report May 2016 (2787 : Police Report)



Haymarket Police Department



Other Issues of Note

Budget

• Select object codes	<u>YTD(79%)</u>	<u>Budgeted</u>	
Salaries & Wages – Regular	\$325,829	\$359,000	90.80%
Salaries & Wages – Overtime	\$9747.87	\$12,000.00	81.20%
Salaries & Wages – Part Time	\$11,300.18	\$13,700.00	82.40%
Total 31100	\$588,883	\$707,090	83.30%

Community Relations

- Officer O’Neal completed a Safety Talk for the Brownies

Current Initiatives

- The police department is closing on a \$1500 discretionary fund grant from Norfolk Southern.
- Work is moving forward through Richmond to carve out from the Rappahannock Regional Criminal Justice Training Academy all agencies in the western part of the Commonwealth and create a new regional academy that would serve those jurisdictions including Haymarket. It is a cost-neutral initiative.



TO: Town of Haymarket Town Council
 SUBJECT: Town Manager's Report
 DATE: 04/25/16

Action Items:

- Creation of a Business Investment Area Zone, referral to Planning Commission.

Updates:

Budget Presentation- Fiscal '16-'17:

- Council held their first Budget Work Session on Monday, April 18th.
- Council will continue to hold Budget work session(s) as needed.
- Once the Council has reached a final consensus on the draft budget, staff will prepare the final draft budget and it will be presented at a public hearing at the June 6th regular Council meeting.
- The June Budget presentation will include both the General Fund Budget and the Capital Budget for 2016-2017.

Town Center Project:

- Construction is moving forward quickly.
- In order to keep the project moving forward and allowing our contractor to complete the job within the desired timeline, I approved a change order that addresses the following:
 - Eliminates two posts in the new PD Administrative Office and (temporary foyer/ entrance), replacement with a single steel beam to carry the load of the original posts;
 - Place's finishing touches on the entrance to the new PD Offices, these were slated for the Phase II build out;
 - Eliminates the double door entrance on the east side of building facing Washington Street, this becomes a window, as the designed elevation demonstrates.
 - Eliminates the double door entrance on the east side of the building facing Jefferson Street (TVT Main Entrance), creating a single solid metal door for Police Department ingress and egress only.
 - Build in all cubicle desk tops at each work station.
 - Details can be found in change order provided by contractor and approved by the Architect.
- Our Architects will also be presenting to the ARB this month the COA for the outside façade improvements to the entire building.
- It has been conveyed to me by Mayor Leake, that Council may want to transition to completing that project next to give the building an improved and finished look.
- **Please be advised, at this time, moving to Phase II or the outside façade, will require the council to consider or look for additional funding options.**

Harrover Property Update:

- We will run the samples of picnic tables and benches through the April ARB meeting for some direction.
- RFP for Engineering Services is complete and was released Tuesday, April 19th. Typically we would provide approximately 3 weeks for the RFP to be advertised and due back to the Town. Proposals will be due Thursday, May 12th at 3pm.
- The Engineering site design will be based upon the adopted Harrover Master Plan.
- We will create a review committee of the Town Engineer, Town Planner and I to review the proposals, conduct interviews and prepare a recommendation for implementation to the Council. This is the same format the Town utilized through the hiring of a Town Center Engineering firm.

Removal of 14710 Washington Street:

- Temporary construction Fencing (Joe Barbeau approved) was installed Saturday, April 16th after the move was complete.
- Per Joe Barbeau Building Official, we do not need to excavate or bust up the concrete floor or remove the walls. The excess (busted up concrete, not the decorative stone from the porch and fireplace) will go into the basement and fill dirt will be added on top (at Minimum 3 feet.)
- The pavilion, per the approved Master Plan, is slated to go between to the two buildings and the area where the house formally sat, will be a hilltop green and slated to feature an outdoor fireplace and meeting area.
- We should save as much of the stone from the fireplace and the front porch, as we can reuse it on site, or possibly in other Town features such as our future gateway signs.
- Hazel Construction (Contractors at the Mike Gorman homes) is going to come over and fill in the foundation for us. They already have equipment on site. They may even have enough extra fill dirt to be able to use.
- I have also been in touch with Shirley Construction (I-66 Contractors) and they are available to bring fill dirt over for us as well, we just need to let them know when and where. Hazel will smooth out the top of the hill.
- We will need to fill in the foundation to determine what additional debris hasn't been removed. If we need a roll off and additional cleaning up of the site after the foundation is filled in, we can get a roll off dumpster quickly through trash contractor. (Unless it is actual trash, it should be able to go into the hole.)
- Depending upon the scale of the remaining clean up, we may need to bring a contractor in to finalize the cleanup effort or the site.
- I am also working with an interested party to remove two of the three storage sheds on the property.
- We will seed and straw the top of the hill.

Earth Day Report:

- For second straight year the Town held another successful Earth Day Celebration.
- About 10-15 volunteers showed up to collect litter along Jefferson Street and some neighboring streets.
- By 9:30am, all the Earth Day learning Centers were set up and welcoming guests. Staff estimates approximately 250+ attendees stopped by and along with the weather, a great time was had by all.
- The museum was opened and had an exhibit of the Historic Buildings of the Town and how they are being reused and repurposed.
- Fauquier Bank (Our title Sponsor this year) opened the community to their shredding operation from 10:00am to 2:00pm.
- In general, it was another successful Haymarket Event!

VML/VACO Proposal:

- The Finance Committee is scheduled to meet with VML/VACO Finance to discuss their proposal from last month's meeting.
- The Finance Committee should have a recommendation for the Council at the next scheduled meeting.

VRE Update:

- Committee's for the VRE Study have been meeting within the last week or so.
- The Executive Committee met Friday, April 15th and had a good meeting as VRE Staff and Consultants advised the committee with updates and findings.
- The committee discussed the best alternatives for moving forward with services, but discussed realistically how effective the VRE Extension may or may not be.
- VRE has a Community Meeting scheduled for Wednesday, April 27th from 6:00pm to 8:00pm at the Gainesville Middle School.

Election Day- May 3, 2016:

- Per prior elections within the Town, the Town Office will be closed during the election on Tuesday, May 3rd, 2016.

Committee Meetings:

- Meetings will be called as needed, with the exception of the Finance Committee which meets each month.



TO: Town of Haymarket Town Council
 SUBJECT: Special Use Permit 2016-001
 DATE: 04/25/16

SUBJECT: SUP# 2016-001, Home Occupation, 6861 Jockey Club Lane

A request for a special use permit (home occupation) at **6861 Jockey Club Lane**, Haymarket Station.

BACKGROUND

Kelsey Eyre has applied to the Town for a special use permit, #SUP 2016-001, for permission to operate an in-home occupation at her home located at **6861 Jockey Club Lane** in Greenhill Crossing. The subject property is zoned R-1 and is designated Low Density Residential by the Town's Comprehensive Plan. Home occupations are permitted as a special use in the R-1 district; "Sec. 58-53 (6) Home occupations, in the main building of the lot". Home occupations are also subject to the development standards of Section 58-16 of the Zoning Ordinance.

RECOMMENDATION

It is recommended that the Town Council receive public input on this application. It is further recommended that the Town Council approve this application for special use for an in-home business to be located at **6861 Jockey Club Lane**.

DRAFT MOTION(S)

Planning Commission

1. I move that the Planning Commission recommend approval of SUP# 2016-001, Time Crunch Fit, LLC, for an in-home occupation at **6861 Jockey Club Lane** as described on the special use permit application and narrative dated February 22, 2016, pursuant to Section 58-53 (6) of the Zoning Ordinance, and subject to the development standards of Section 58-16, Home occupations.
2. I move an alternate motion.

Town Council

- 1.a. I move that the Town Council approve SUP# 2016-001, Time Crunch Fit, LLC for an in-home occupation at **6861 Jockey Club Lane** as described on the special use permit application dated February 22, 2016, pursuant to Section 58-53 (6) of the Zoning Ordinance, and subject to the development standards of Section 58-16, Home occupations;

AND

- 1.b. I further move that the SUP shall remain in effect for a period of one year, to renew automatically for additional periods of one year, BUT EXPRESSLY CONDITIONED UPON THE FOLLOWING: Council may require, upon a majority vote, after notice to the applicant, for the applicant (or present property owner) to submit a new application for an SUP, which shall be treated in all respects as a new and different application, subject to approval or disapproval, in accordance with general principles of law for a new application. If such notice is given to the applicant or present property owner, this SUP shall terminate automatically and without further notice or action by the Council 60 days from the giving of such notice.

OR,

Agenda Item (ID # 2777)

Meeting of April 25, 2016

2. I move an alternate motion.

ATTACHMENTS:

- 6861 Jockey Club Lane - SUP for In-Home Business- (PDF)

RECEIVED

FEB 22 2016

10.A.a



SUP# 2016-001

SPECIAL USE PERMIT APPLICATION

NOTE: This application must be filled out completely and all submission requirements must be met before the application can be accepted and scheduled for review/Public Hearing.

NAME OF BUSINESS/APPLICANT: Time Crunch Fit, LLC / Kelsey Eyre

SITE ADDRESS: 6861 Jockey Club Ln, Haymarket, VA 20169

ZONING DISTRICT: [] R-1 [] R-2 [] B-1 [] B-2 [] I-1 [] C-1 SITE PLAN PROPOSED: [] Yes [x] No

PROPOSED USE(S): Personal Training CODE SECTION(S) #:

BRIEF DESCRIPTION OF ACTIVITY: In the space below or in an attached narrative, please describe in detail the proposed activity including size and type of proposed/existing structures, hours of operation, type of clientele, number of vehicles anticipated to visit the site during an average workday and any other changes that will affect the nature or appearance of the structure(s) or site.

In-home personal training business not likely to exceed 4 clients per day. Hours of operation 9-3. No changes to existing structure are required. Driveway parking available.

Supporting Documentation (attached): [] Narrative (addressing criteria of Section 58-9(d)) [] Plan/Plat

ADDITIONAL INFORMATION FOR HOME OCCUPATIONS (SUBJECT TO SECTION 58-16):

TYPE OF STRUCTURE: [x] SFD [] TH TOTAL FLOOR AREA OF MAIN STRUCTURE: 2400 (sq. ft.)

FLOOR AREA DEVOTED TO HOME OCCUPATION: 500 (sq. ft.) HOA APPROVAL: [x] Yes [] No

NUMBER / TYPE OF VEHICLES: no commercial vehicles

NUMBER / TYPE OF EQUIPMENT AND METHOD OF STORAGE (i.e. garage, accessory storage, etc.):

N/A

OFF-STREET PARKING SPACES PROVIDED: 0 NO. OF EMPLOYEES WORKING FROM SITE: 1

FEE: [] \$500 Residential [x] \$200 Residential In-Home Business PAID FEB 22 [] \$350 Commercial (no land disturbance) [] \$1,500 Commercial (land disturbance)

Table with 2 columns: APPLICANT/PERMIT HOLDER INFORMATION and PROPERTY OWNER INFORMATION. Includes fields for Name, Address, City, State, Zip, and Phone#(s).

Attachment: 6861 Jockey Club Lane - SUP for In-Home Business- (2777 : Special Use Permit 2016-001)



TOWN OF HAYMARKET
SPECIAL USE PERMIT APPLICATION

SUP# 2016-001

APPLICANT / PROPERTY OWNER CONSENT

*****REQUIRED*****

I, as owner or authorized agent for the above-referenced parcel, do hereby certify that I have the authority to make the foregoing application and that the information provided herein or attached hereto is correct and a true representation of the activity and method of operation described. Construction of any improvements described herein and as shown on the attached plat, plan and/or specifications will comply with the ordinances of the Town of Haymarket, any additional restrictions and/or conditions prescribed by the Planning Commission or the Town Council, and all other applicable laws.

Kelsey Eyre
Applicant Signature

Kelsey Eyre
Property Owner Signature

2/22/16
Date

2/22/16
Date

OFFICE USE ONLY

DATE FILED: 2-22-16 FEE AMOUNT: 200 DATE PAID: 2-22-16

DATE TO ZONING ADMINISTRATOR: 2-22-16 STAFF REVIEW COMPLETE: _____

APPLICABLE ZONING ORDINANCE SECTION(S) / RECOMMENDED CONDITIONS:

ZONING ADMINISTRATOR

DATE

DATE TO PLANNING COMMISSION: _____ PUBLIC HEARING DATE: _____

RECOMMEND APPROVAL RECOMMEND DENIAL NO RECOMMENDATION

RECOMMENDED CONDITIONS:

CHAIRMAN

DATE

DATE TO TOWN COUNCIL: _____ PUBLIC HEARING DATE: _____

APPROVED DENIED

CONDITIONS:

Attachment: 6861 Jockey Club Lane - SUP for In-Home Business - (2777 : Special Use Permit 2016-001)



TO: Town of Haymarket Town Council
 SUBJECT: Planning Commission Appointment
 DATE: 04/25/16

Mr. Madhusudan Panthi has expressed interest in serving the Town Planning Commission.

The Planning Commission currently has two vacancies.

Vacant	07/01/2014 - 06/30/2018
Vacant	07/01/2013 - 06/30/2017

Recommendation

It is recommended that the Town Council consider Mr. Panthi's appointment to one of the vacant terms.

ATTACHMENTS:

- Madhusudan Panthi - PC Interest 04-2016 (PDF)

David Leake, Mayor
Steve Aitken, Vice Mayor
Council Members:
Susan Edwards
Joe Pasanello
Kurt Woods
Chris Morris
Matt Caudle



15000 Washington Street
Suite 100
Haymarket, Virginia 20169
703-753-2600
703-753-2800 Fax
Townofhaymarket.org

Appointed Boards, Committees & Commission Application for Appointment Consideration

Full Name: Madhusudan Panthi

Address: 15000 Gossom Manor Place, Haymarket, VA 20169

Cell Phone: 703-485-2000

Email Address: Panthiukmmkk@gmail.com

- Architectural Review Board
- Planning Commission
- Board of Zoning Appeals
- Special Committee (please name committee) _____

Please use the space below or attach a letter describing your interest in being part of the Town's governmental process and how you feel you can contribute. For additional information, please contact the Town Clerk, Jennifer Preli, jpreli@townofhaymarket.org or 703-753-2600.

I feel it is very important to support our home town community services. I am interested in the volunteer for planning commission. I would like to donate my time to the town of Haymarket. Please let me know. Thank you.

Madhusudan Panthi

Attachment: Madhusudan Panthi - PC Interest 04-2016 (2788 : Planning Commission Appointment)



TO: Town of Haymarket Town Council
 SUBJECT: Amend Certificate of Take - Parcel 002
 DATE: 04/25/16

BACKGROUND

- In 2010 and 2011, negotiations to purchase the easements required to construct the Enhancement Project on Parcel 002 (14900 Washington Street) were unsuccessful.
- In order to keep the project moving forward, the Town exercised the right of Eminent Domain and filed a Certificate of Take on April 20, 2011 to acquire the necessary easements.
- The Certificate of Take filed in 2011 contained no use restrictions for the Permanent Utility Easement.
- In recent interactions with the property owner, they expressed concerns that since there are no use restrictions on the Permanent Utility Easement the utility companies could construct whatever they wanted in the easement which could cause a potential loss of parking spaces on the property.
- If the property owner and the Town had come to a successful negotiation to purchase the Utility Easement in 2011, a Utility Easement Agreement with use restrictions would have been filed.

ISSUE

- In order to address the property owner's concerns about the lack of use restrictions for the Permanent Utility Easement, an amended Certificate of Take can be filed to add the use restrictions.
- The Town Council must pass a resolution to amend the Certificate of Take.

STAFF RECOMMENDATION

- Staff recommends the Town Council pass the resolution to amend the Certificate of Take on Parcel 002 (14900 Washington Street) to include use restrictions for the Permanent Utility Easement.

DRAFT MOTION(S)

1. I move that the Town Council pass Resolution RES2016-005 to amend the Certificate of Take on Parcel 002, 14900 Washington Street, to include use restrictions for the Permanent Utility Easement;

OR

2. I move an alternate motion

ATTACHMENTS:

- 02 RES 2016-005 Amend Certificate of Take GPIN 7297-99-5081 (PDF)
- 03 Parcel 2 Amended Certificate of Take (PDF)
- 04 Parcel 2 Recorded Certificate of Take (PDF)

RESOLUTION 2016-005**RESOLUTION OF THE TOWN OF HAYMARKET TOWN COUNCIL TO APPROVE AN AMENDED CERTIFICATE OF TAKE FOR PARCEL ID/GPIN No. 7297-99-5081**

WHEREAS, HAYMARKET 1, L.C., A VIRGINIA LIMITED LIABILITY COMPANY, Grantor, is the owner of certain property located in the Town of Haymarket, Virginia corporate limits, more particularly described as 14900 Washington Street, Haymarket, VA 20169 with Parcel ID/GPIN: 7297-99-5081, also identified as Parcel 2 (the "Property"), having acquired the Property by Deed of Contribution dated January 1st, 2002 and recorded as Instrument No. 200201020000473 on 1/02/2002 among the land records of Prince William County, Virginia; and

WHEREAS, the TOWN OF HAYMARKET, Virginia (the "Town") is constructing, reconstructing, altering, maintaining, and repairing improvements in connection with the Haymarket Streetscape Project along Route 55 (Washington Street) and for all purposes instrumental thereto, identified as Project EN96-233-128, C502, RW201, and has determined that it is necessary to acquire in connection with these improvements approximately 349 square feet of the Property for permanent easement, approximately 1738 square feet of the Property for utility easement, and approximately 538 square feet of the Property for temporary construction easement, and to acquire certain improvements on said easements; and

WHEREAS, the foregoing easements and property acquired are more particularly bounded and described in Sheet Nos. 1C, 3, and 3A of plans on file with the Town of Haymarket and the Virginia Department of Transportation, prepared by Burgess and Niple, Inc.; and

WHEREAS, the Town Council by amended resolution duly adopted on April 4, 2011, authorized said acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of the foregoing easements and property, pursuant to the Charter of the Town of Haymarket, specifically including Article V, Title 15.2, Chapter 19 (§ 15.2-1901 et seq.) and Title 25.1, Chapter 3 (§ 25.1-300 et seq.) of the Code of Virginia (1950), as amended, and such general laws as are applicable to the exercise of the power of eminent domain; and

WHEREAS, the Town is willing to amend the Certificate to accommodate the landowner and facilitate settlement at the request of the landowner, by limiting the rights of utility users within the utility easement covered by the Certificate and by expressly reserving the right of the landowner to maintain certain existing paving and parking within the utility easement and the permanent easement;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Haymarket, meeting in regular session this ____ day of _____, 2016, that the Council does hereby approve the attached Amended Certificate and authorize the Mayor and Clerk to execute it on the Town's behalf.

Done this ___ day of _____, 2016.

ORDER OF THE COUNCIL

David Leake, Mayor
On Behalf of the Town Council of
Haymarket, Virginia

ATTEST:

Jennifer Preli, Town Clerk

MOTION:

SECOND:

Votes:

Ayes:

Nays:

Abstain:

Absent:

Attachment: 02 RES 2016-005 Amend Certificate of Take GPIN 7297-99-5081 (2776 : Amend Certificate of Take - Parcel 002)

Parcel ID/GPIN No. 7297-99-5081

Prepared by/Return to:
Robert R. Dively Esquire
P.O. Box 1838
Centreville, VA 20122

This Certificate of Take is exempt from recordation taxes pursuant to Virginia Code Sections 58.1-811(A)(3), 58.1-811(C)(5), 42.1-70, 17.1-266, and 17.1-279(E).

No. C-10002

\$7,000.00

AMENDED CERTIFICATE OF TAKE

WHEREAS, HAYMARKET 1, L.C., A VIRGINIA LIMITED LIABILITY COMPANY, Grantor, is the owner of certain property located in the Town of Haymarket, Virginia corporate limits, more particularly described as 14900 Washington Street, Haymarket, VA 20169 with Parcel ID/GPIN: 7297-99-5081, also identified as Parcel 2 (the "Property"), having acquired the Property by Deed of Contribution dated January 1st, 2002 and recorded as Instrument No. 200201020000473 on 1/02/2002 among the land records of Prince William County, Virginia; and

WHEREAS, the TOWN OF HAYMARKET, Virginia, the Town corporate, Grantee, (the "Town") is constructing, reconstructing, altering, maintaining, and repairing improvements in connection with the Haymarket Streetscape Project along Route 55 (Washington Street) and for all purposes instrumental thereto, identified as Project EN96-233-128, C502, RW201, and has determined that it is necessary to acquire in connection with these improvements approximately 349 square feet of the Property for permanent easement, approximately 1738 square feet of the Property for utility easement, approximately 538 square feet of the Property for temporary construction easement, and improvements on portions of the Property; and

WHEREAS, the foregoing easements and property acquired are more particularly bounded and described in Sheet Nos.

1C, 3, and 3A of plans on file with the Town of Haymarket and the Virginia Department of Transportation, prepared by Burgess and Niple, Inc. and photocopies of which are attached hereto and incorporated herein; and

WHEREAS, the Town Council by amended resolution duly adopted on April 4, 2011, has authorized said acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of the foregoing easements and property, pursuant to the Charter of the Town of Haymarket, specifically including Article V, Title 15.2, Chapter 19 (§ 15.2-1901 et seq.) and Title 25.1, Chapter 3 (§ 25.1-300 et seq.) of the Code of Virginia (1950), as amended, and such general laws as are applicable to the exercise of the power of eminent domain.

NOW THEREFORE, the Town hereby issues this Certificate of Take pursuant to the Charter of the Town of Haymarket, specifically including Article V, the aforesaid Virginia Code Sections, and such general laws as are applicable to the exercise of the power of eminent domain, in the amount of Seven Thousand and 00/100 Dollars (\$7,000.00), which sum is estimated by the Town to be the fair market value of the acquisition, or interest therein, and damages to the remainder, if any. The amount so specified will be paid by the Town to the Clerk, Prince William County Circuit.

The utility easement installed thereon as hereinabove described is for the benefit of Verizon South and Dominion Virginia Power and is subject to the following conditions:

1. The respective owners of the utility facilities, their respective agents, successors or assigns (to be collectively referred to as the "utility owners") shall have full and free use of their respective utility easement and right of way for the purposes named, and shall have all rights and privileges reasonably necessary to exercise use of their respective utility easement and right of way as their interests are set forth herein, including the right

of reasonable ingress to and egress from their utility easement over the remaining land of landowner by such private roads as may now or hereafter exist on the property of landowner. The right, however, is reserved to landowner to shift, relocate, close or abandon such private roads, if any, at any time. If there are no public or private roads reasonably convenient to the utility easement, the utility owners shall have such right of reasonable ingress and egress over the lands of landowner adjacent to the utility easement.

2. The utility owners shall have the right to trim, cut and remove trees, shrubbery (including but not limited to weak, diseased and/or dead vegetation), fences, structures, or other obstructions or facilities outside the boundaries of the utility easement reasonably deemed to interfere with the proper and efficient use of the utility easement for the purposes named and/or the safe and proper operation of the utility facilities in order to eliminate the hazard; provided, however, the utility owners, at their own expense, shall restore, as near as reasonably practical, the property to its original condition, including the back-filling of trenches, the replacement of curbing and asphalt pavement, and the reseeded of grass areas, but not the replacement of structures, trees, or other obstructions. Any such trimming, cutting or removal outside the utility easement, however, shall be done in conformity with the appropriate industry standards including but not limited to the National Electric Safety Code, the Virginia State Corporation Commission Guidelines on Tree Trimming, the Virginia Overhead High Voltage Safety Act, Virginia Code §§59.1-406 through 59.1-414, ANSI A-300 and ANSI Z-133, as applicable. All trees and limbs cut by the utility owners shall remain the property of the landowner.

3. The utility facilities constructed hereunder are and shall remain the property of their respective utility owners, their agents, permittees, successors or assigns. The utility owners shall, consistent with the purposes named, have the right to inspect, rebuild, repair, remove and relocate their individual utility facilities or any part thereof, within the respective utility easement area, and may make such changes, alterations, substitutions, additions in and to, or extensions of their utility facilities as they deem advisable, and consistent with the purposes named without the prior consent of the landowner. In making any such changes, alterations, substitutions, additions in and to, or extensions of its utility facilities after the initial installations for the Project herein described, the utility owners shall not install any above ground pole, cabinet, transformer, fence or appurtenance within any existing area, paved area, parking or entrance way without the prior consent of the landowner. Manholes, vaults, hand holes and similar types of appurtenances can be installed under paved areas and sidewalks provided they are load-bearing and are set flush with the existing pavement or sidewalk.

4. The landowner, his successors and assigns, may use the utility easement areas for any reasonable purpose not inconsistent with the rights hereby acquired, provided such use does not interfere with the utility owners, in their exercise of any of the rights acquired hereunder. Landowner shall not have the right to construct any building, structure, or other above-ground obstruction or to change the existing ground elevation, or to impound any water, on the utility easement; provided, however, landowner may construct on the utility easement fences, landscaping (subject, however to the tree trimming rights in Paragraph 2 hereof), paving, parking, sidewalks, curbing, gutters, street signs, and below-ground obstructions as long as said

fences, landscaping, paving, sidewalks, curbing, gutters, street signs and below-ground obstructions do not interfere with the utility owners, in their exercise of any of its rights acquired hereunder. In the event such use by the landowner does interfere with the exercise of any of the rights acquired by the utility owners hereunder; the utility owners may, in their reasonable discretion, relocate such of their utility facilities as may be practicable to a new site designated by landowner and acceptable to the utility owners. In the event any such utility facilities are so relocated, landowner shall reimburse the utility owners for the cost thereof and convey to the Town of Haymarket, its successors or assigns, an equivalent easement at the new site.

5. Notwithstanding any language to the contrary, the landowner has the right to maintain the paving and parking, which existed prior to April 20, 2011, within the areas of the utility easement and the permanent easement, excluding the Streetscape improvement and brick sidewalk built in accordance with the subject project.

{Signatures appear on the following page}

Attachment: 03 Parcel 2 Amended Certificate of Take (2776 : Amend Certificate of Take - Parcel 002)

Given under our hands this ____ day April 2016.

On behalf of the Town of the Haymarket, Virginia:

David Leake, Mayor

On behalf of the Town of the Haymarket, Virginia:

Jennifer Preli, Town Clerk

STATE OF Virginia;

CITY/COUNTY OF _____; to-wit:

The foregoing instrument was acknowledged before me by David Leake, Vice Mayor of the Town of Haymarket, Virginia, this ____ day of April 2016.

Notary Public

My commission expires: _____

STATE OF Virginia;

CITY/COUNTY OF _____; to-wit:

The foregoing instrument was acknowledged before me by Jennifer Preli, Town Clerk of the Town of Haymarket, Virginia, this ____ day of April 2016.

Notary Public

My commission expires: _____

Attachment: 03 Parcel 2 Amended Certificate of Take (2776 : Amend Certificate of Take - Parcel 002)

Parcel ID/GPIN No. 7297-99-5081

Prepared by/Return to:
Robert R. Dively Esquire
P.O. Box 1838
Centreville, VA 20122

This Certificate of Take is exempt from recordation taxes pursuant to Virginia Code Sections 58.1-811(A)(3), 58.1-811(C)(5), 42.1-70, 17.1-266, and 17.1-279(E).

No. C-10002

\$7,000.00

CERTIFICATE OF TAKE

CL11-2662-00

WHEREAS, HAYMARKET 1, L.C., A VIRGINIA LIMITED LIABILITY COMPANY, Grantor, is the owner of certain property located in the Town of Haymarket, Virginia corporate limits, more particularly described as 14900 Washington Street, Haymarket, VA 20169 with Parcel ID/GPIN: 7297-99-5081, also identified as Parcel 2 (the "Property"), having acquired the Property by Deed of Contribution dated January 1st, 2002 and recorded as Instrument No. 200201020000473 on 1/02/2002 among the land records of Prince William County, Virginia; and

WHEREAS, the TOWN OF HAYMARKET, Virginia, the Town corporate, Grantee, (the "Town") is constructing, reconstructing, altering, maintaining, and repairing improvements in connection with the Haymarket Streetscape Project along Route 55 (Washington Street) and for all purposes instrumental thereto, identified as Project EN96-233-128, C502, RW201, and has determined that it is necessary to acquire in connection with these improvements approximately 349 square feet of the Property for permanent easement, approximately 1738 square feet of the Property for utility easement, approximately 538 square feet of the Property for temporary construction easement, and improvements on portions of the Property; and

WHEREAS, the foregoing easements and property are more particularly bounded and described in Sheet No. _____

1
Parcel 2

2019 APR 20 PM 1:35
CIRCUIT COURT CLERKS OFFICE
PRINCE WILLIAM COUNTY, VA
BY *[Signature]* DEPUTY

FILED

201104200032942
Prince William County, VA Pgs: 6
04/20/2011 1:39:02PM
Michelle B. McGuire, Clerk

Attachment: 04 Parcel 2 Recorded Certificate of Take (2776 : Amend Certificate of Take - Parcel 002)

1C, 3, and 3A of plans on file with the Town of Haymarket and the Virginia Department of Transportation, prepared by Burgess and Niple, Inc. and photocopies of which are attached hereto and incorporated herein; and

WHEREAS, the Town Council by amended resolution duly adopted on April 4, 2011, has authorized said acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of the foregoing easements and property, pursuant to the Charter of the Town of Haymarket, specifically including Article V, Title 15.2, Chapter 19 (§ 15.2-1901 et seq.) and Title 25.1, Chapter 3 (§ 25.1-300 et seq.) of the Code of Virginia (1950), as amended, and such general laws as are applicable to the exercise of the power of eminent domain.

NOW THEREFORE, the Town hereby issues this Certificate of Take pursuant to the Charter of the Town of Haymarket, specifically including Article V, the aforesaid Virginia Code Sections, and such general laws as are applicable to the exercise of the power of eminent domain, in the amount of Seven Thousand and 00/100 Dollars (\$7,000.00), which sum is estimated by the Town to be the fair market value of the acquisition, or interest therein, and damages to the remainder, if any. The amount so specified will be paid by the Town to the Clerk, Prince William County Circuit.

{Signatures appear on the following page}

Attachment: 04 Parcel 2 Recorded Certificate of Take (2776 : Amend Certificate of Take - Parcel 002)

Given under our hands this 15th day April 2011.

On behalf of the Town of the Haymarket, Virginia:

[Signature]
John Cole, Vice Mayor

On behalf of the Town of the Haymarket, Virginia:

[Signature]
Jennifer Preli, Town Clerk

STATE OF Virginia;
CITY/COUNTY OF Prince William ; to-wit:

The foregoing instrument was acknowledged before me by John Cole, Vice Mayor of the Town of Haymarket, Virginia, this 15th day of April 2011.

[Signature]
Notary Public

My commission expires: 6-30-13



STATE OF Virginia;
CITY/COUNTY OF Prince William ; to-wit:

The foregoing instrument was acknowledged before me by Jennifer Preli, Town Clerk of the Town of Haymarket, Virginia, this 15th day of April 2011.

[Signature]
Notary Public

My commission expires: 6-30-13

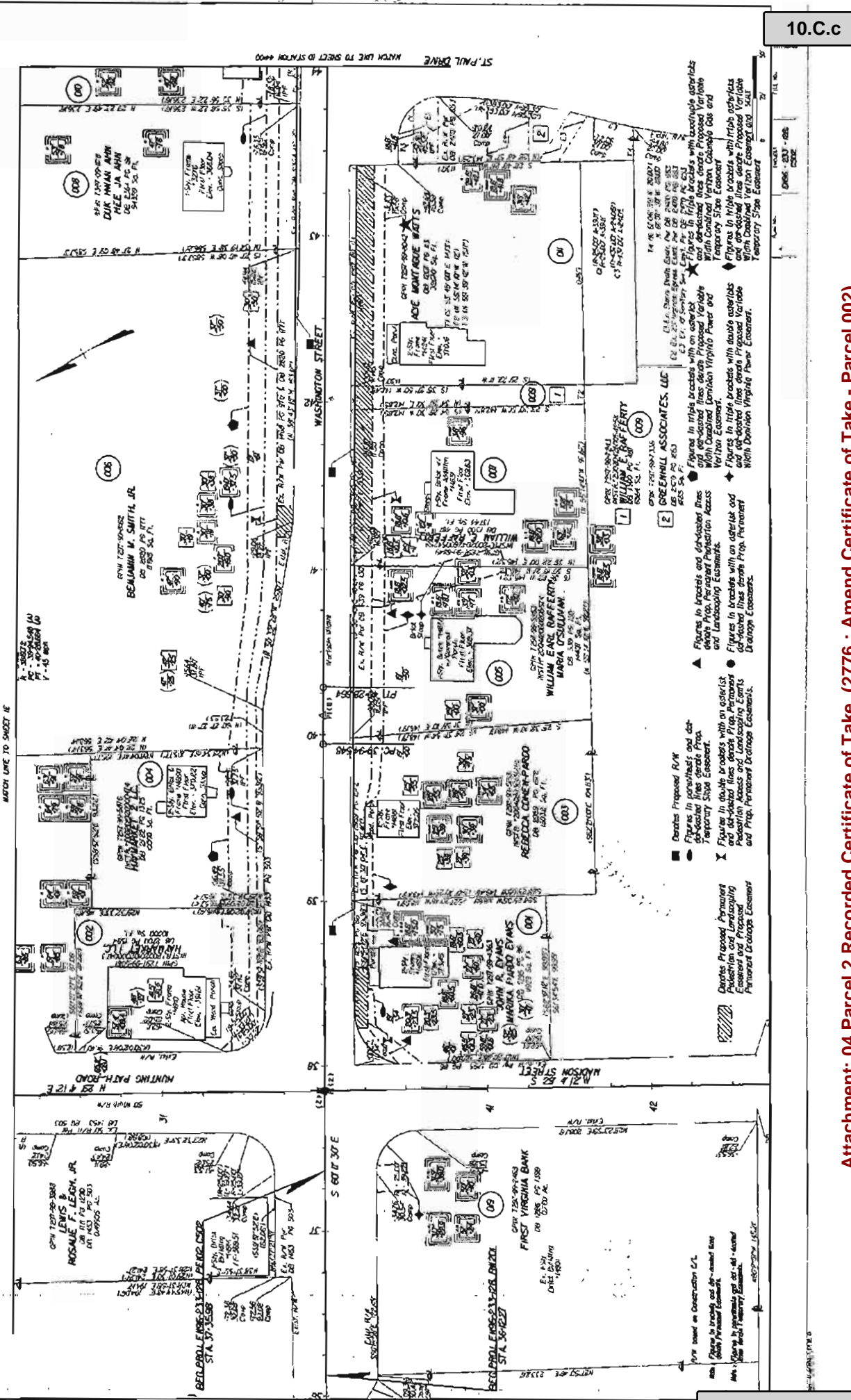


Attachment: 04 Parcel 2 Recorded Certificate of Take (2776 : Amend Certificate of Take - Parcel 002)

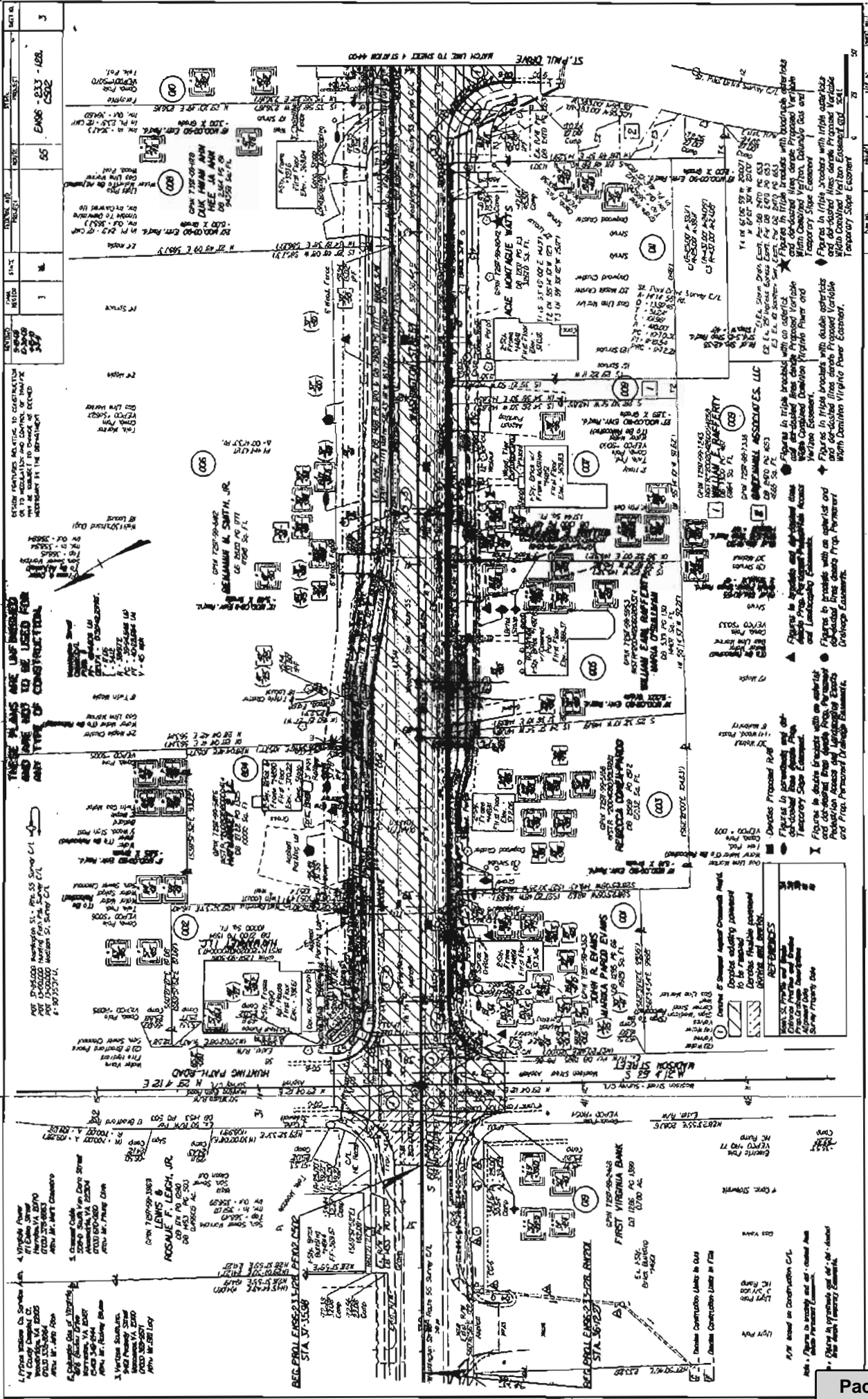
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49	49	49	49	49	49	49	49	49	49
50	50	50	50	50	50	50	50	50	50

THESE PLANS ARE UNFINISHED AND ARE NOT TO BE USED FOR ANY TYPE OF CONSTRUCTION.

SURVEY PROPERTY DATA AND PROP. R/W AND ESMT.



Denotes Proposed R/W
 Figures in open/circles and dashed lines denote Prop. Easement and Landscaping Easement.
 Figures in double brackets with an asterisk and dashed lines denote Prop. Permanent Easement and Landscaping Easement.
 Figures in triple brackets with an asterisk and dashed lines denote Proposed Variable Right-of-Way Easement and Landscaping Easement.
 Figures in triple brackets with an asterisk and dashed lines denote Proposed Variable Right-of-Way Easement and Landscaping Easement.



THESE PLANS ARE UNFINISHED AND ARE NOT TO BE USED FOR ANY TYPE OF CONSTRUCTION.

OWNER'S ATTENTION TO CONSTRUCTION: THESE PLANS ARE UNFINISHED AND ARE NOT TO BE USED FOR ANY TYPE OF CONSTRUCTION.

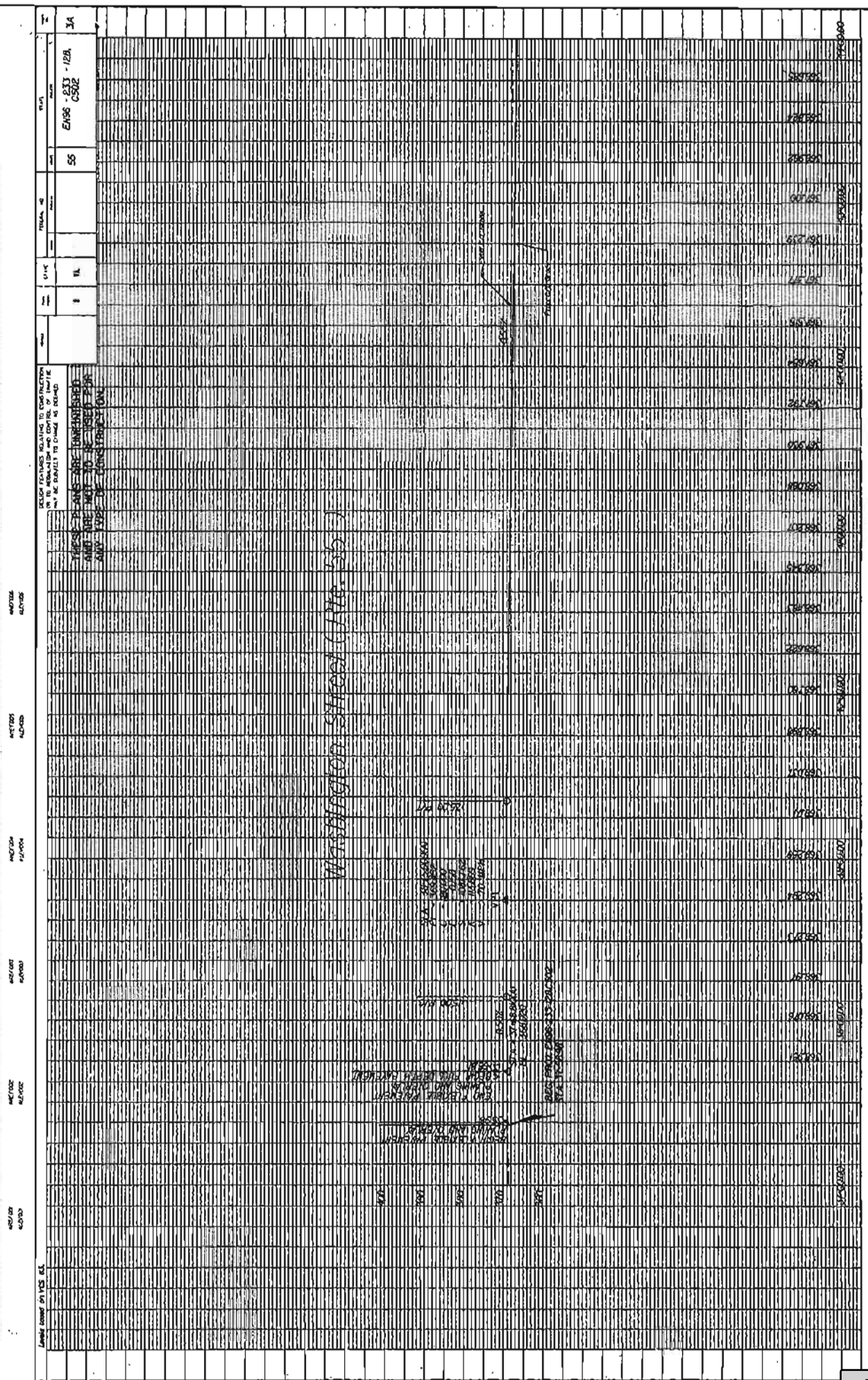
4. Virginia Power
4100 Northampton St.
Richmond, VA 23225
Attention: Mr. J. L. Smith
Attention: Mr. J. L. Smith

5. Chesapeake
2000 Northampton St.
Richmond, VA 23225
Attention: Mr. J. L. Smith
Attention: Mr. J. L. Smith

6. Virginia Power
4100 Northampton St.
Richmond, VA 23225
Attention: Mr. J. L. Smith
Attention: Mr. J. L. Smith

BURGESS & NIPLE

Attachment: 04 Parcel 2 Recorded Certificate of Take (2776 : Amend Certificate of Take - Parcel 002)



DESIGN FEATURES RELATING TO CONSTRUCTION
 IN THIS PLAT ARE TO BE CONSIDERED
 AS PART OF THE CONSTRUCTION
 THESE PLANS ARE INTENDED
 AND ARE NOT TO BE USED FOR
 ANY OTHER CONSTRUCTION.

Lot No.	Area	Dimensions	Notes
1010	1010	1010	
1011	1011	1011	
1012	1012	1012	
1013	1013	1013	
1014	1014	1014	
1015	1015	1015	
1016	1016	1016	
1017	1017	1017	
1018	1018	1018	
1019	1019	1019	
1020	1020	1020	



TO: Town of Haymarket Town Council
 SUBJECT: Enhanced Retirement Benefit for Law Enforcement Officers
 DATE: 04/25/16

BACKGROUND

Political subdivisions participating in the Virginia Retirement System (VRS) may elect to provide benefits equivalent to those of the State Police Officers Retirement System for those of the subdivision's employees who are employed in law enforcement positions comparably hazardous to that of a State Police Officer. This includes any sworn law enforcement officer who has the duty and obligation to enforce the penal, traffic, and highway laws of this State as directed by his superior officer, if so certified by his appointing authority. The primary differences between the "enhanced" benefits and the regular VRS benefits are:

- The normal retirement age under the enhanced provisions is 60 rather than 65. Early retirement is permitted at any time between ages 50 and 60 as long as the employee has at least five years of VRS service credit.
- For retirement between age 50 and 60, the actuarial reduction for early retirement is computed from the earlier of (i) age 60, or (ii) the first date on or after his fiftieth birthday on which the member would have completed 25 years of creditable service. No reduction is applied if the member has 25 years of credit.
- From date of retirement until the later of age 65 or the age a member is eligible for unreduced social security benefits, an additional \$1,129 per month is payable as a supplement. To be eligible for the supplement, the member must have been employed on or after July 1, 1974, and have 20 or more years of credited service rendered in a hazardous position. If employed before July 1, 1974, the additional allowance is payable regardless of the years of credited service rendered in a hazardous position.
- The vested termination benefit available after 5 years of service may begin at age 50 or later; however, the additional monthly supplement is payable only if the member had 20 or more years of credited service. If employed on or after July 1, 1974, the member must have 20 or more years in a hazardous position.
- The additional allowance is not payable in the case of a disability retirement or to an individual receiving a survivor benefit.
- Employees who are eligible for the enhanced hazardous duty benefit are ineligible to participate in the Hybrid Plan. Once VRS programs the new elected benefit, employees that are currently participating in the Hybrid Plan prior to the benefit election will be transferred into Plan

The Town requested VRS to perform an actuarial study to determine the new Employer contribution rate, should the Town Council elect this enhanced benefit. Please find the actuarial study attached.

Recommendation

It is recommended that the Town Council adopt Resolution #2016-006

Motion

Move to adopt Resolution #2016-006 authorizing staff to establish Enhanced Retirement Benefits for law enforcement personnel at the 1.85% multiplier rate.

ATTACHMENTS:

- ST2016TownOfHaymarket_LEOBenefits Revised (PDF)
- RES 2016-006 LEOS 1 85% Multiplier (PDF)



LEO

Cavanaugh Macdonald

CONSULTING, LLC

The experience and dedication you deserve

March 22, 2016

Mr. Brian Henshaw
Town Manager
Town of Haymarket
15000 Washington Street, Suite 100
Haymarket, VA 20169

Town of Haymarket (55260) - Cost Study for Enhanced Benefits for Hazardous Duty Positions with 1.70% or 1.85%

Dear Mr. Henshaw:

As requested, we have evaluated the impact of providing benefits to full-time law enforcement officers of the Town of Haymarket participating in the Virginia Retirement System under the enhanced hazardous duty benefit provisions for law enforcement officers (LEO) of Subsection B of § 51.1-138 of the Code of Virginia with 1.70% and 1.85% benefit multipliers.

In the attached exhibit, we present a summary comparing the current benefits. Members hired prior to July 1, 2010 and vested prior to January 1, 2013 are in Plan 1, while members hired after July 1, 2010 or not vested as of January 1, 2013 are in Plan 2. Members with non-hazardous duty benefits employed on or after January 1, 2014 are in the Hybrid Plan.

Our study is based on the data and actuarial assumptions and methods used in the June 30, 2015 actuarial valuation for Town of Haymarket. VRS provided us with data identifying 6 employees eligible for the proposed benefits. One of these employees was not in the June 30, 2015 actuarial valuation but was included in the study based on the study data provided by VRS. In the table below, we present a summary of the data used to estimate the impact of providing enhanced hazardous duty benefits:



Mr. Brian Henshaw
 March 22, 2016
 Page 2

LEO

	Data Summary 6/30/2015 Valuation	Data Summary with Study Data
Active Members		
Plan 1 General Members	4	1
Plan 2 General Members	6	4
Hybrid General Members	1	1
Plan 1 LEO Members	0	4
Plan 2 LEO Members	0	2
Total Active Members	11	12

In the table below we present the estimated cost to provide the proposed benefits outlined on the previous page for all eligible employees. The Estimated First Year Employer Cost in columns (2), (3) and (4) represents the total cost of adding one new employee as a Plan 1 general employee, the total cost of granting enhanced benefits to the 6 eligible employees with a 1.70% benefit multiplier, and the total cost of granting enhanced benefits to the 6 eligible employees with a 1.85% benefit multiplier, respectively. The increases in contribution rates and estimated dollar contribution amounts in columns (3) and (4) are in comparison to the cost in column (2) of the current plan, including the one additional member.



Mr. Brian Henshaw
 March 22, 2016
 Page 3

LEO

	(1) 6/30/2015 Valuation Results	(2) Estimated 6/30/2015 Valuation Results Adding One Plan 1 General Employee	(3) Estimated 6/30/2015 Valuation Results with 1.70% LEO Benefits for Hazardous Duty Employees	(4) Estimated 6/30/2015 Valuation Results with 1.85% LEO Benefits for Hazardous Duty Employees
Number of Actives	11	12	12	12
Total Payroll	\$519,016	\$599,016	\$599,016	\$599,016
Actuarial Accrued Liability	\$198,991	\$198,991	\$275,691	\$287,307
Actuarial Value of Assets	\$293,301	\$293,301	\$293,301	\$293,301
Unfunded Actuarial Accrued Liability	(\$94,310)	(\$94,310)	(\$17,610)	(\$5,994)
Gross Normal Cost	\$56,132	\$72,306	\$92,937	\$96,587
Gross Normal Cost Rate	11.03%	12.30%	15.81%	16.43%
Less Member Contribution Rate	(4.93%)	(4.94%)	(4.94%)	(4.94%)
Unfunded Accrued Liability Rate	(1.24%)	(1.08%)	(0.16%)	(0.02%)
Administrative Expenses	0.03%	0.03%	0.03%	0.03%
DC Match for Hybrid Members	<u>0.08%</u>	<u>0.07%</u>	<u>0.07%</u>	<u>0.07%</u>
Employer Estimated Cost Rate	4.97%	6.38%	10.81%	11.57%
Employer Estimated Cost Rate <i>Change</i>		1.41%	4.43%	5.19%
Estimated First Year Employer Cost <i>Increase</i> Based on Total Payroll		\$12,422	\$26,536	\$31,089
Funded Status	147.39%	147.39%	106.39%	102.09%

The contribution rates presented in the table above are a percentage of the total payroll for active members in the plan.

The estimated costs shown above are based on the Town of Haymarket plan census data and estimated financial position as of July 1, 2015. Please note that the costs will fluctuate in the future as the plan's data and financial conditions change. If the calculation is redone in the future with different data, plan assets and/or measurement date, the results will change. It is important to keep in mind that future plan experience (e.g., pay increases, turnover and retirement patterns, and the addition of new members) will not match the actuarial assumptions exactly. The deviations of actual from expected plan experience will produce actuarial experience gains and losses which will impact the total employer contribution rate and the cost estimate presented above.



Mr. Brian Henshaw
March 22, 2016
Page 4

LEO

The undersigned is a member of the American Academy of Actuaries and meets the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

Please let us know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jose I. Fernandez'.

Jose I. Fernandez ASA, FCA, MAAA, EA
Principal and Consulting Actuary

Copies to: ZaeAnne Allen (VRS)
 Rory Badura (VRS)
 Cynthia Wilkinson (VRS)
 Andrew Feagans (VRS)

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VIRGINIA RETIREMENT SYSTEM
SUMMARY OF BENEFIT PROVISIONS



	Non-Hazardous Duty Employees (Non LEO, Fire and/or EMT)			Hazardous Duty Employees (LEO, Fire and/or EMT)	
	Plan 1 (Vested as of 1/1/2013)	Plan 2 (Non-Vested as of 1/1/2013 and new members after that date until 1/1/2014)	Hybrid (Hired on or after 1/1/2014 or by member election)	Plan 1 (Vested as of 1/1/2013)	Plan 2 (Non-Vested as of 1/1/2013 and new members after that date)
Normal retirement eligibility	Age 65 with at least 5 years of service	Normal Social Security Retirement Age with at least 5 years of service	Normal Social Security Retirement Age with at least 5 years of service	Age 60 with at least 5 years of service	Age 60 with at least 5 years of service
Early retirement eligibility	Age 50 with at least 10 years of service, or age 55 with at least 5 years of service	Age 60 with at least 5 years of service	Age 60 with at least 5 years of service	Age 50 with at least 5 years of service	Age 50 with at least 5 years of service
Early retirement reduction	Benefit reduced for each year retirement age is before age 65 or for each year service at retirement is less than 30, whichever provides greater benefit	Benefit reduced for each year retirement age is before Normal Social Security Retirement Age	Benefit reduced for each year retirement age is before Normal Social Security Retirement Age	Benefit reduced for each year retirement age is before age 60 or for each year service at retirement is less than 25, whichever provides greater benefit	Benefit reduced for each year retirement age is before age 60 or for each year service at retirement is less than 25, whichever provides greater benefit
Unreduced Early Retirement	Age 50 with at least 30 years of service	Age plus service equals 90 points	Age plus service equals 90 points	Age 50 with at least 25 years of service	Age 50 with at least 25 years of service
Final Average Compensation	Average of the employee's 36 highest consecutive months of creditable compensation	Average of the employee's 60 highest consecutive months of creditable compensation	Average of the employee's 60 highest consecutive months of creditable compensation	Average of the employee's 36 highest consecutive months of creditable compensation	Average of the employee's 60 highest consecutive months of creditable compensation
Benefit Multiplier	1.70%	1.65% (1.70% for service before 1/1/2013)	1.00%	1.70% or 1.85%	1.70% or 1.85%
Cost-of-Living-Adjustment (COLA)	COLA increase on July 1 of the second calendar year after retirement. Automatic COLA increase is calculated as the first 3% of the CPI plus half of each percent from 3% to 7%, maximum COLA of 5%	COLA increase on July 1 of the second calendar year after retirement. Automatic COLA increase is calculated as the first 2% of the CPI plus half of each percent from 2% to 10%, maximum COLA of 6%	COLA increase on July 1 of the second calendar year after retirement. Automatic COLA increase is calculated as the first 2% of the CPI plus half of each percent from 2% to 10%, maximum COLA of 6%	COLA increase on July 1 of the second calendar year after retirement. Automatic COLA increase is calculated as the first 3% of the CPI plus half of each percent from 3% to 7%, maximum COLA of 5%	COLA increase on July 1 of the second calendar year after retirement. Automatic COLA increase is calculated as the first 2% of the CPI plus half of each percent from 2% to 10%, maximum COLA of 6%
Employee Contributions	5% to DB plan	5% to DB plan	4% to DB plan and 1% to DC plan. Can contribute up to 5% to DC plan.	5% to DB plan	5% to DB plan
Annual supplement from date of retirement to Social Security normal retirement age	No	No	No	Yes	Yes

RESOLUTION 2016-006
Election of Law Enforcement Officers Enhanced Retirement Benefits with a retirement multiplier of 1.85%

Be it hereby resolved that the Town of Haymarket, Virginia, a political subdivision currently participating in the Virginia Retirement System under Title 51.1, Chapter 1, Article 5 of the Code of Virginia, as amended, acting by and through its Town Council does hereby elect to have such employees of the Town of Haymarket Police Department who are employed in positions as full time salaried Law Enforcement Officers and whose tenure is not restricted as to temporary or provisional appointment, to become eligible, effective July 1, 2016, to be provided benefits in the Virginia Retirement System equivalent to those provided for State police officers of the Department of State Police, as set out in Section 51.1-138 of the Code of Virginia including the retirement multiplier of 1.85%, in lieu of the benefits that would otherwise be provided as such code has been or may be amended from time to time, and the Town agrees to pay the employer cost for providing such employees such benefits.

Be it further resolved that Brian Henshaw, Town Manager and Jennifer Preli, Clerk, are hereby authorized and directed in the name of the Town of Haymarket to execute any required contract in order that the above described employees of the Town of Haymarket may become entitled to retirement benefits equivalent to those provided for State police officers of the Department of State Police. In execution of any contract which may be required the seal of the Town shall be affixed and attested by the Clerk and, said officers of the Town of Haymarket are hereby authorized and directed to do any other thing, or things, incident and necessary in the lawful conclusion of this matter. The Treasurer of the Town of Haymarket and is hereby authorized and directed and pay over to the Treasurer of Virginia from time to time such sums as are to be paid by the Town and its employees for this purpose.

Done this 25th Day of April 2016

Motion By:
Seconded By:
Ayes:
Nays:
Absent:



ATTEST:

BY:

Jennifer Preli, Town Clerk

David Leake, Mayor

Attachment: RES 2016-006 LEOS 1.85% Multiplier (2789 : Enhanced Retirement Benefit for Law Enforcement Officers)



TO: Town of Haymarket Town Council
 SUBJECT: Chapter 58 Article XVII Business Investment Strategic Zone
 DATE: 04/25/16

BACKGROUND:

- The Code of Virginia, Title 58.1 Taxation Chapter 38. Miscellaneous Taxes allows the Creation of local tourism zones.
- This language allows any city, county or town to establish, by ordinance, one or more tourism zones. Each locality may grant tax incentives and provide certain regulatory flexibility in a tourism zone.
- The tax incentives may be provided for up to 20 years and may include, but not be limited to (i) reduction of permit fees, (ii) reduction of users fees, and (iii) reduction of any type of gross receipts tax.
- The governing body may also provide for regulatory flexibility in such zone that may include, but not be limited to (i) special zoning for the district, (ii) permit process reform, (iii) exemption from ordinances, excluding ordinances or provisions of ordinances adopted pursuant to the requirements of the Chesapeake Bay Preservation Act, the Erosion and Sediment Control Law, or the Virginia Stormwater Management Act and any other incentive adopted by ordinance, which shall be binding upon the locality for a period of up to 10 years.

DISCUSSION:

- The adoption of this ordinance allows the Town to incentivize economic development by encouraging new investment or re-development in return for tax incentives or business performance within the Town.
- At this time, the Council would refer to the Draft ordinance to the Town's Planning Commission to make a recommendation on its merits and use within the Town.
- The process would require a Zoning Ordinance Amendment and the overall district should be identified within the Comprehensive Plan and it the official Zoning Map.

TOWN MANAGER'S COMMENTS: (April 19, 2016)

- I would recommend that you forward the draft ordinance to the Town's PC for immediate review and recommendation.

POTENTIAL QUESTIONS:

- What is the next step?
- What is required of the Council at this time?
- How would the ordinance be applied?

Budget Impact:

The Town would be negotiating tax incentives or other incentives that could have a small impact on the fiscal General Fund Budget, however the more businesses created, the better and the benefit to the Town's overall fiscal health.

RECOMMENDATION:

Staff recommends the Council referring the Draft Ordinance to the Town's Planning Commission.

MOTION:

Motion of Approval:

I move to forward the Draft Business Investment Strategic Zone Ordinance to the Town's Planning Commission immediate review and recommendation.

Motion of Denial:

I move to ...

ATTACHMENTS:

- Chapter 58 Article XVII (PDF)

ARTICLE XVII- Business Investment Strategic Zone

Sec. 58-750. – Purpose and creation of business investment strategic zone.

Code of Virginia, §58.1-3851, authorizes Virginia localities to establish, by ordinance, one (1) or more tourism zones for the purpose of granting tax incentives to qualified businesses. As part of its ongoing need to continue updating the Town’s Comprehensive Plan, the town has identified business areas that are showing signs of deterioration, underutilization, or in need of redevelopment. These areas along with the downtown area impact the town’s ability to attract tourists and visitors to the Town of Haymarket. The town hereby established a tourism zone entitled, “business investment strategic zone”, which consists of all the area designated as business investment zone on the map entitled “Town of Haymarket Business Investment Strategic Zone, “ attached hereto and incorporated herein. The purpose of this overlay district is to provide economic incentives for eligible business entities to encourage them to attract visitors to the Town of Haymarket, make substantial investment, and/or create new jobs within the town. The new and expanded businesses that participate in this zone will enhance the revitalization efforts in all of the Town of Haymarket including the downtown core of Haymarket and encourage tourism.

Sec. 58-751. – Administration.

The administrator of the Town of Haymarket Business Investment Strategic Zone shall be the town manager or designee. The administrator, in consultation with the Town Planner and Main Street Coordinator, shall determine and publish the criteria and procedures for obtaining the benefits created by this article and for the administration of this article.

The administrator shall be the single point-of-contact for qualified business owners to take advantage of the business investment strategic zone incentives. The administrator is authorized to negotiate performance agreements with potential new or expanding businesses. However, the Town Council shall have final approval authority for performance agreement that deviate from the established eligibility criteria.

Sec. 58-752 – Eligibility requirements.

- a.) Economic incentives may be made available to any new, expanded or significantly upgraded business which seeks to attract customers to the Town of Haymarket. The business must advance the town’s goals identified in the town’s comprehensive plan.
- b.) The business must commit to a performance agreement based upon investment, jobs, sales revenues, historic preservation, or other significant criteria. Eligible businesses include all uses permitted under the town’s zoning ordinance for the district in which the business is located.
- c.) An existing business must make a capital investment of at least fifty thousand dollars (\$50,000.00) or create and sustain at least two (2) new full time jobs in order to be eligible for economic incentives.

- d.) A new business must make a capital investment of at least one hundred thousand dollars (\$100,000.00) or create and sustain at least four (4) new full time jobs in order to be eligible for economic incentives.
- e.) A new or existing business that reinvests in a historic structure in the historic district and within the business investment strategic zone that saves it from demolition may be eligible for economic incentives as well.
- f.) Economic incentives may be provided for up to five (5) years through the performance agreement. In the case of multi-year incentives, the business shall establish its qualification for the incentives on an annual basis.

Business Investment Strategic Zone Ordinance Incentive Guidelines Document

Purpose

The purpose of the Business Investment Strategic Zone Ordinance is to provide economic incentives and regulatory flexibility for eligible business entities which will attract visitors to the Town of Haymarket, make a substantial investment and create new jobs within the Town. The Investment Areas eligible for incentives are generally defined as developed areas showing signs of deterioration, under utilization, or areas in need of redevelopment. These areas in need of reinvestment impact the Town's ability to attract tourist and visitors to the Town.

The implementation of the Business Investment Strategic Zone Ordinance will be guided by the following criteria and guidelines. This document is designed to give both the Town and perspective developers a sense of what will be required to apply and successfully participate in the incentive program. It includes:

- 1) Business Investment Area Zone Map
- 2) Eligibility Criteria
- 3) Incentive Options
- 4) Performance Agreement Application

The end product of negotiations garnered from following these guidelines will be a win/win Performance Agreement that stipulates the benefit to the Town, measured by dollar level of investment, number of jobs created and resulting tax revenues by the project improvement by incentives that are commensurate with the level of benefits to the Town.

Eligible Area

The Investment Areas eligible for incentives are generally defined as developed areas showing signs of deterioration, under utilization, or areas in need of redevelopment. These areas in need of reinvestment impact the Town's ability to attract tourist and visitors to the Town of Haymarket.

Eligibility Criteria

- a) Economic incentives and regulatory flexibility may be made available to any new, expanded or significantly upgraded business which seeks to attract customers to the Town of Haymarket. The businesses must advance the Town's goals identified in the Economic Development and Investment Areas Chapters of the Town's Comprehensive Plan or the redevelopment goals adopted in the Community Design Plan
- b) The business must commit to a performance agreement based upon investment, jobs, sales revenues, historic preservation, or other significant criteria. All permitted commercial uses allowed in the Zoning Ordinance are eligible. Examples of eligible businesses include but are not limited to retail trade establishments, gourmet restaurants and cafes, a farmer's market, bookstores and coffee shops, antique stores, galleries, a movie theater and a performance center, hotels, financial services, professional and personal services, museums, bed and breakfasts, cultural art centers, health clubs/fitness centers, conference centers, commercial parking garages, and commercial recreation facilities.
- c) An existing business must make a capital investment of a least \$50,000 or create and sustain at least two (2) new full jobs in order to be eligible for economic incentives or regulatory flexibility.

- d) A new business must make a capital investment of at least \$100,000 or create and sustain at least five (5) new full time jobs in order to be eligible for economic incentives or regulatory flexibility.
- e) A new or existing business that reinvests in an historic structure in the Historic District and within the Business Investment Area Zone that saves it from demolition may also be eligible for economic incentives and regulatory flexibility.
- f) Economic incentives may be provided for up to five years through the performance agreement. In the case of multi-year incentives, the business shall establish its qualification for the incentives on an annual basis.

Incentive Options

The incentive are designed to provide inducements for developers and commercial property owners to reinvest in developed areas showing signs of deterioration, under utilization, or areas in need of redevelopment. The levels of incentives, while negotiable, are generally provided in proportion to the level of investment and long term benefit to the Town. The Performance Agreement for those businesses making a small investment of dollars, generating a minor increase in tax revenues and creating only a few jobs could be substantially different than a business making major renovations, generating significant new tax revenues and creating numerous jobs. Incentive terms also may vary from 1 to 5 years depending on the project and its benefit to the Town.

- a) **Percent reduction of Property Taxes** – A reduction in the increase in Property Taxes resulting from the investment is an option that can be negotiated in the Performance Agreement as long as not prohibited by any other action of the Town Council or State of Virginia. Tax reductions, from 30% up to 100% of the increase in taxes will be negotiated on a sliding scale depending on the projects overall benefit to the Town. For example, a project providing the minimum investment required would likely receive a 30% reduction in Property Taxes. (This incentive option would require Council to make an annual appropriation to the incentive program and reimburse eligible businesses from that fund)
- b) **Deferment of Reimbursement of Taxes on Increased Value of Real Estate due to Reinvestment** - One reason business owners give for not renovating or otherwise improving their commercial structure is the improvements result in higher real estate taxes. The option for relief from increased real estate taxes from 1 to 5 years can be negotiated in the Performance Agreement. Those providing the minimum required investment can expect a potential one year deferral while those investing substantially more may receive proportionately more years of relief. (This incentive option would require Council to make an annual appropriation to the incentive program and reimburse eligible business from that fund unless a deferment is used)

Note: A reinvestment project that saves a certified historic structure from demolition is also eligible for all of the above incentives.

Application Process

Developers and Commercial Business owners interested in participation in the incentive program may make application by completing the required information on the Business Investment Strategic Zone Application from attached to and herein made part of this Incentives Guidelines Document. Applicants' property must be in the Business Investment Area Zone and the applicant must provide the minimum investment and or other required benefits criteria stated above.

Business Investment Strategic Zone
Performance Agreement Application
Town of Haymarket, Virginia

Applicant/Company Information:

Contact/Title: _____
Mailing Address: _____
Phone: _____
Email: _____

Project Information

Physical Address: _____

Description of Business: _____

General Project Description: _____

Eligibility Criteria:

In order to be eligible for Economic Investment, the Applicant is required to meet the minimum eligibility requirements as listed in the Business Incentive Area Zone Ordinance, Incentive Guidelines Document. Applicant shall describe the proposed improvements below demonstrating they will meet or exceed these requirements:

1. Complete interior and exterior renovations and improvements to the building in substantial compliance with the application for an economic incentive, at a cost of at least \$_____ by June 30, 20__:
2. Employ the equivalent of _____ (____) additional full-time employees throughout the year:
3. Generate increased annual combined local meals and sales tax revenues of at least _____ thousand dollars (\$_____) over calendar year _____.
"Meals taxes" are those local taxes attribute to a Restaurant, paid on time to the Town of Haymarket. "Local sales taxes" are the 1% of the state sales tax revenue returned to the Town by the Commonwealth of Virginia, not including the ½% sales tax revenue for education. Penalty and interest paid on delinquent taxes are not counted in these terms:
4. Provide at least _____ square feet of wall space in the restaurant for year-round, rotating exhibits of local artists at no cost to the artist:

Attachment: Chapter 58 Article XVII (2790 : Chapter 58 Article XVII Business Investment Strategic Zone)

5. Provide a general description of improvements proposed as part of this program:

Applicant agrees to file with the Town Manager an annual Performance Report containing sufficient documentation to establish compliance with incentive program criteria.

Applicant's Signature: _____

Applicant's Name: _____

Date: _____

Business Investment Strategic Zone
Performance Agreement
Town of Haymarket, Virginia
AND

THIS PERFORMANCE AGREEMENT (the "Agreement") is entered into on _____, 20____, by _____ ("_____") or "Company") the TOWN OF HAYMARKET, a Virginia municipal corporation (the "Town"), and the

RECITALS:

- A. Article XII of Chapter 23 of the Town Code created a Business Investment Area Zone (BIA Zone) in the Town for the promotion of tourism in Haymarket. The BIA Zone provides economic incentives for eligible business entities that agree to make substantial investment in the Town, and/or create new jobs within the Town.
- B. This Agreement serves the public interest by increasing tourism in the Town and thereby promoting commerce. The Economic Development and Investment Chapters of the Town's Comprehensive Plan as well as the Community Design Plan identify goals that include the redevelopment of the downtown and gateway areas of the Town and to preserve a sense of place, promote economic strength, and ensure the Town's continuing appeal to residents, business people, and visitors. The Comprehensive Plan includes a policy to encourage redevelopment and infill of the downtown area and other designated areas of the Town and to pursue innovative financing strategies to encourage and facilitate these goals including the establishment of a tourism zone called the Business Investment Areas.
- C. The map entitled "Town of Haymarket Business Investment Areas Zone" dated ____ identifies the Business Investment Areas Zone as an area for economic development incentives. A central goal of the Business Investment Areas is to increase retail presence and other businesses that will attract residents, business people, and visitors to the Town.
- D. (Describe Company and proposed plans)
- E. The Town Council authorized the Town Manager to enter into this Agreement at its regular meeting on _____, 20_____.

AGREEMENT

IN CONSIDERATION of mutual covenants, benefits and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties for themselves, their successors and assigns agree as follows:

1. **Recitals incorporated.** The foregoing Recitals are incorporated by reference.
2. **Eligibility criteria and performance monitoring.** In order to be eligible for the Economic Incentives described below, the Company shall (i) make a one-time capital investment of at least

\$100,000 or (ii) create and sustain at least four (4) new full time jobs. In addition, the Company shall:

- 2.1 (Provide at least ____ square feet of wall space in the restaurant for year round, rotating exhibits of local artists at no cost to the artist;)
 - 2.2 File with the Town Manager an annual Performance Report containing sufficient documentation to establish compliance with these criteria. Company shall submit the Performance Report annually on or before the anniversary of this Agreement's effective date. The Town will verify the Company's eligibility prior to approving an economic incentive.
 - 2.3 As evidenced by the signature below, Company agrees to the release by the Town of otherwise confidential tax information as required for the administration of this Agreement, including the amount of any performance grant paid hereunder and information sufficient to establish eligibility for the economic incentives. Company agrees that Town of Haymarket Town Treasurer may release to the Town Manager confidential gross receipts, real estate, property and sales tax information as required for the administration of this Agreement.
3. **(Economic Incentive – Sales Tax Reimbursement:** Beginning _____, if _____ meets the eligibility criteria, then the IDA shall make an annual performance grant of _____percent (____%)of the sales tax paid to the Town (over the course of the year 20____) up to two hundred fifty dollars (\$250.00) per year for five years) (Note: The Town only receives 20% of the total sales tax paid by each business so the effective reimbursement is only ____%)
4. **(Economic Incentive – Real Estate and Property Tax Reimbursement:** In addition to the sales tax reduction, beginning July 1, 2016 through June 30, 2017, if _____ meets the eligibility criteria, then it shall receive an annual performance grant from the IDA in an amount of _____percent (____%) of the Property taxes and a 100% deferment of payment for increased property taxes (over 2014) generated by the improvement for a period of ____ Years(Five Year Maximum)
- 4.1 **(As a grant to the IDA to enhance the economic development of the Town,** the Town agrees to appropriate to the IDA and amount equal to the performance grant for each year in which _____ meets the eligibility criteria. **The Town's obligation under this subsection shall be subject to annual appropriation by the governing body and shall not be deemed to be a general obligation or debt of the Town.)**
- 4.2 (The IDA's obligation to pay _____the annual performance grant shall be subject to the appropriation of the performance grant amount by the Town Council.)
5. **Maximum total incentive.** The maximum total incentive to be paid to Company is _____ dollars (\$_____) over the term of the Agreement.
6. **Term.** This is a _____year agreement, beginning _____,20____. Its effective date is the date when the last party to sign executes it, which date shall also be entered in the header paragraph of this Agreement.

7. Termination for non-performance. If Company fails to fulfill its obligations under this Agreement, the Town may give notice to its default. Company may give the Town a plan to cure its default within a reasonable time not to exceed 60 days. The Town may, in its sole and absolute discretion, accept such cure plan, or the Company fails to perform as required by the cure plan, then the Town may give notice of termination, which shall be effective immediately. The Town will not make any incentives available after any default notice is given, unless and until the Town rescinds the default notice.

8. Miscellaneous provisions. The following provisions shall apply to this Agreement:

8.1 Complete Understanding. This Agreement represents the complete understanding between the parties hereto, and supersedes all prior negotiations, representations or agreements, whether written or oral, as to the matters described herein, and no prior or contemporaneous oral or written statement may be used to alter, vary or contradict its provisions.

8.2 Binding Agreement. This Agreement is binding upon and shall inure to the benefit of the parties and their respective heirs, devisees, legal and personal representatives, permitted assigns, and successors in interest.

8.3 Assignment. This Agreement may not be assigned without the prior, express consent of the other party. Any purported assignment without such consent shall terminate this Agreement.

8.4 No Waiver. The failure or delay of a party to insist upon the strict performance of any provisions of this Agreement, or the failure or delay of a party to exercise any right, option or remedy hereby reserved shall not be construed as a waiver of any such provision, right, option or remedy or as a waiver of a subsequent breach thereof. No provision of this Agreement shall be deemed to have been waived unless such waiver shall be in writing signed by both parties.

8.5 Governing Law. This Agreement shall be governed, controlled, enforced, interpreted and construed in accordance with the laws of the Commonwealth of Virginia without giving effect to any choice or conflict of law provisions or rule that would cause the application of the laws of any jurisdiction other than the Commonwealth of Virginia. The parties hereto hereby agree to submit to the jurisdiction and venue of the Circuit Court and/or General District Court of Prince William County, Virginia, in any action or proceeding arising out of, or relating to, this Agreement. The parties to this Agreement expressly consent to submit to the jurisdiction of such court and waive any personal jurisdiction or venue defenses concerning said forum.

8.6 Construction. The language of this Agreement shall be in all cases construed simply according to its fair meaning and not strictly against the party who drafted such language.

8.7 Headings. The headings, subheadings and captions are used in this Agreement for convenience and reference only, and shall not be used in interpreting, construing or enforcing any of the provisions of this Agreement. The neuter singular pronoun shall be deemed to include the masculine, the feminine, and the plural.

8.8 Corporate Party. The person executing this Agreement on behalf of the Company hereby covenant, represent and warrant that the party is a duly incorporated or a duly qualified (if a foreign corporation) corporation; is authorized to do business in Virginia; that the person or persons executing this Agreement on behalf of the Company is an officer or are officers of the Company; and that he/she or they as such officers were duly authorized to sign and execute this Agreement. Upon request, the Company shall deliver to the Town documentation satisfactorily to evidencing compliance with the provisions of this paragraph

8.9 Severability. It is the intention of the parties that the provisions of this Agreement shall be enforceable to the fullest extent permissible under law. If any clause or provision of this Agreement is held to be illegal, invalid or unenforceable under present or future laws, then the remainder of this Agreement shall not be affected thereby, and in lieu of each clause or provision of this Agreement which is illegal, invalid or unenforceable, there shall be added, as a part of this Agreement, a clause or provision as similar in terms to such illegal, invalid or unenforceable clause or provision as may be possible and as may be legal, valid and enforceable.

8.10 Force Majeure. If, by reason of force majeure, either party hereto shall be rendered unable, in whole or in part, to carry out its obligations under this Agreement, and if such party shall give notice and full details in writing of such force majeure to the other party within a reasonable time after the occurrence of the event or cause relied on, then the obligations of the party giving such notice, so far as it is affected by such force majeure shall be suspended during the continuance of the inability then claimed, but for no longer period, and such party shall endeavor to remove or overcome such inability with all reasonable dispatch. The term "force majeure", as employed herein, shall mean acts of public enemy, orders of any kind of the government of the United States or the Commonwealth of Virginia or any civil or military authority, insurrections, riots, arrests, civil disturbances, labor unrest or strikes, machinery failure, inability to obtain any necessary supplies, utilities or services, earthquakes, floods, fires, storms and any serious weather-related casualty.

8.11 Attorney's Fees and Costs. In the event of any litigation or preparation for or in response to threat of litigation relating to this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs.

The signatures of the authorized representatives of the parties are set out below in acknowledgement of this Agreement.

[Name of Company or Individual]

President [or other title]

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____, to wit:

I, _____, a Notary Public for the Commonwealth aforesaid, hereby certify that _____, whose name is signed to the writing above has acknowledged the same before me in my county or city aforesaid.

Given under my hand and official seal this ____ day of _____, 20__.

Notary Public

Attachment: Chapter 58 Article XVII (2790 : Chapter 58 Article XVII Business Investment Strategic Zone)

My commission expires: _____

My registration number: _____

TOWN OF HAYMARKET

By: _____(SEAL)

Town Manager

Attest:

Town Clerk

Approved as to form:

Town Attorney

Review Process

Each application will be reviewed by the Town Manager in consultation with the Town Planner and Main Street Coordinator, guided by the stated incentives guidelines, the Town representatives will meet with applicant and negotiate the level if any of incentives warranted and number of years those incentives will be in place as well as any regulatory flexibility that is warranted. If determined appropriate, a Performance Agreement will be drafted will be drafted and the resulting Performance Agreement will then be forwarded to the Town Attorney for review and then on to the applicant for their review and approval. The Performance Agreement will stipulate all of the investment commitments by the applicant, the incentives being provided by the Town and length incentives will be in place.

Once the agreement is approved by the Applicant, the Town Manager will execute the final agreement. However, Performance Agreements not in keeping with the Eligibility Requirements will require review and approval by the Town Council.

Note: In order to be eligible for the Economics Incentives described above, the Company shall meet these eligibility criteria for the term of the Performance Agreement. The company's failure to meet eligibility standards for one year of this Agreement does not terminate the Agreement. If Company fails to meet the eligibility standards for two years in a row, then the Town may terminate this Agreement on written notice to the Company.

Approved:

Town Manager

Date: _____

Attachment: Chapter 58 Article XVII (2790 : Chapter 58 Article XVII Business Investment Strategic Zone)



TO: Town of Haymarket Town Council
SUBJECT: Dominion VA Power 230 kV Transmission Line & Substation
DATE: 04/25/16



TO: Town of Haymarket Town Council
SUBJECT: VRE Update
DATE: 04/25/16



TO: Town of Haymarket Town Council
 SUBJECT: VML/VACO Municipal Advisory Services
 DATE: 04/25/16

BACKGROUND:

- The Town Council is currently working towards the construction or phases thereof for two major capital projects, the Town Center and Harrover Park.
- The Council planned to utilize capital funds throughout the past years through previous Councils to fund these projects. However the reality has proven that costs are greater than originally anticipated in today's current economic climate.
- The Town has moved forward with the Site Design and Architectural plans for the Town Center Project and has started the interior construction of the Police Department.
- The Town has invested resources to develop a Harrover Master Plan that provides a vision for a desired community park and a concept of what the community park will include.

DISCUSSION:

- The Council is at a point where there seems to be a genuine desire to move forward with the projects, especially turning the attention to the creation of the park.
- The study and advisor would help the Town Council come up with a funding plan and map for how to achieve the desired outcomes for these major capital improvements.
- At this point, the Council, through the current fiscal budget process will need to identify additional revenues to fund capital projects moving forward.
- However, the Council needs to identify long term methods to achieve capital improvements funds.
- Through this study, VML/VACO Finance will provide the Town with methods of how to plan for our future and potentially what steps and needs might need to be addressed in order to achieve such goals.

Updated April 21, 2016

- At the Council meeting on April 4th, the Council requested the VML/ VACO Finance be approached about coming to meet with the Council or Finance Committee at a future meeting to discuss the details of the proposal in general and determine what the Council was receiving in return for their monetary compensation. The Council decided to invite VML/ VACO Finance staff to the next scheduled Finance Committee on April 20th at 2pm.
- Mr. Bob Lauterberg and Mr. Steve Mulroy of VML/VACO Finance attended the April 20th Finance Committee to discuss their proposal and products the Town would receive from their financial analysis and advisement.
- Through the course of discussion, it was determined that at this time, the Credit Benchmark Report (\$2,500) would be the only needed report at this time. Mr. Lauterberg and Mr. Mulroy brought a summary of what the purpose of the report is, the financial areas to be examined, and the products to be delivered. I have included this summary to this report.
- This report will assist the Council in creating a phasing plan for financing or saving for current or future capital improvement projects.
- In the original proposal the "Plan of Finance" report (\$5,000) would be more appropriate for assisting the Town if the Town wished to move forward with financing options for future capital improvements. This option is not needed at this time.

TOWN MANAGER'S RECOMMENDATION: (MARCH 23, 2016)

- Having worked with VML/VACO Finance and their staff, I feel confident that this is a very

worthwhile study that Council could utilize to map their future financial plans for these capital improvements.

- In looking at the letter of engagement, I think it is important to note that they will continue to advise the Town based off of the report through June 30, 2017 without additional charge.

FINANCE COMMITTEE RECOMMENDATION: (APRIL 20, 2016)

- After meeting with VML/ VACO Finance staff, Director, Mr. Bob Lauterberg and Mr. Steve Mulroy, the Finance Committee recommends proceeding with the Credit Benchmark Report for \$2,500.

POTENTIAL QUESTIONS:

- Will we be provided with a financial plan?
- What is VML/VACO covering with their costs?
- Will they present their findings to us in person or through a report?
- How quickly can they turn this around?
- Where would the funds come from to pay for the studies?

Budget Impact:

The proposal would cost the Town \$2,500 and can be taken from the Administration Line item within the Fiscal 2016 Budget.

RECOMMENDATION:

Staff recommends moving forward with Credit Benchmark Report as it will provide crucial information and guidance as to what is the Town's current financial standing, a funding plan to cover the Town's major capital improvement projects and additional needed information to determine the financial well being and future of the Town. Furthermore it is with the utmost importance for the Town to identify a long term sustainable method to pay for capital improvements. The Town Center project and Harrover Park have a long term lasting effect on the Town and future development, therefore moving forward with each project is equally important for various reasons that further the mission of the Council and long term vision of the Town.

MOTION:

Motion of Approval:

Move to authorize the Town Manager to enter into an agreement with VML/VACO Finance for financial advisement and the creation of a Credit Benchmarks Report.

Motion of Denial:

Move to ...

ATTACHMENTS:

- SKMBT_C45216042515200 (PDF)



VML/VACo Finance – Municipal Advisory Services Credit Benchmarks Report

- Purpose of the Report is to answer these questions:
 1. Where does Haymarket stand today from an overall financial standpoint?
 2. How does Haymarket's financial standing compare to its peers?
 3. How do Haymarket's financial practices compare to Rating Agency recommendations?
 4. What are key financial strengths and possible concerns?
 5. How would these conclusions change if Haymarket were to initiate planned capital projects?

- Financial areas to be examined:
 1. Economic Vitality & Diversity
Population, Property Valuations, Taxpayer Concentration, Measures of Wealth
 2. Governmental Spending
Budget Trends, Actual vs. Recommended Fund Balances
 3. Governmental Revenues
Tax Rates, Collections, Revenue Sources
 4. Governmental Debt
Outstanding Debt, Debt Capacity & Affordability

- Product to be Delivered:

Executive Summary and Presentation covering the four financial areas, including Levels, Trends, Peer Comparisons, and Rating Agency Recommendations. All data sourced with references.



TO: Town of Haymarket Town Council
SUBJECT: Closed Session
DATE: 04/25/16



TO: Town of Haymarket Town Council
SUBJECT: Certification of Closed Session
DATE: 04/25/16

VA § 2.2-3712 D. At the conclusion of any closed meeting, the public body holding such meeting shall immediately reconvene in an open meeting and shall take a roll call or other recorded vote to be included in the minutes of that body, certifying that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Any member of the public body who believes that there was a departure from the requirements of clauses (i) and (ii), shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place. The statement shall be recorded in the minutes of the public body.