



TOWN OF HAYMARKET TOWN COUNCIL

WORK SESSION ~ AGENDA ~

Shelley M. Kozlowski, Clerk of Council
<http://www.townofhaymarket.org/>

15000 Washington St
Haymarket, VA 20169

Tuesday, October 9, 2018

6:00 PM

Council Chambers

I. Call to Order

II. Agenda Items

1. Mayor's Notice of Veto
2. Haymarket Historic Foundation Funding
3. Ordinance #2018-001, Meals Tax Free Weekend
4. Bond Release - Alexandra's Keep

III. Adjournment

MEMORANDUM

To: Shelley Kozlowski, Clerk of Council
From: Mayor David Leake
Date: September 5, 2018
Subject: Notice of Veto

Dear Mrs. Kozlowski,

Shelley

Please record the following comments into the official meeting record/minutes for the September 4, 2018 Town Council meeting books as per the charter requires. Please place this item on the next month's Council Meeting agenda for reconsideration.

As Mayor of the Town of Haymarket, I hereby veto the following motions with objections

1. SUP2018 - 003
2. SUP2018 - 004
3. RESOLUTION 2018 - 014
4. RESOLUTION 2018 - 015

The special use permit applications were not complete and missing critical information for the Town Council to make a decision. Some of the information missing is as follows;

- (1) Traffic:
 - Drive-thru entrances:
 - Vehicular Circulation:
 - Stacking Plan:
- (2) Hour of Operation Plan:
- (3) Noise (Outdoor Speaker System):
- (4) Outdoor Lighting:
- (5) Building and Drive Thru Design:
- (6) Loading Zones and Times:
- (7) Signage:
- (8) Refuse Storage Area

- (9) Maintenance of Property:
 - Graffiti Removal
 - Property Maintenance
- (10) Water and Sewer Connection:
- (11) Environment
 - Grease Trap
 - Storm water Management
- (12) Pedestrian Access

Regards,



David M. Leake, Mayor
Town of Haymarket



Town of Haymarket
15000 Washington Street, #100
Haymarket, VA 20169
703-753-2600

JERRY M. SCHIRO
BUSINESS MANAGER

STAFF REPORT

DETERMINATION OF A USE OF FUNDS FROM THE HAYMARKET HISTORIC FOUNDATION

Background

The Town received a check in the amount of approximately \$20K from the Haymarket Historic Foundation. The Foundation was a non-profit corporation organized in 1996 for the purpose of accepting contributions for Haymarket landscape enhancement and street beautification. The corporation has been inactive for many years and this money remained in the account. Under the articles of incorporation, the assets can be distributed to the federal government, or to a state or local government, for a public purpose. Attached with this report is a copy of the original Articles of Incorporation.

Required Council Action

The item is on the agenda for the Council to discuss how they would like to use the money. An individual account was established for the funds to separate them from our regular General Fund revenues until a use is determined by the Council. Once that decision is made, a resolution will be prepared appropriating the funds for that use. If Council would like to reach a decision on the use at this meeting and immediately proceed with the spending, a motion can include authorization for the Mayor to sign the resolution once it is prepared by staff.

Sample Motions

I move the Haymarket Town Council direct the Clerk to prepare a Resolution, for Council approval appropriating an expenditure of \$_____ dollars from the distributed funds received from the Haymarket Historic Foundation for the purpose of _____.

OR

I move the Haymarket Town Council direct the Clerk to prepare a Council Resolution appropriating an expenditure of \$_____ dollars from the distributed funds received from the Haymarket Historic Foundation for the purpose of _____. Furthermore, I move the Council authorize the Mayor to execute the resolution once it is prepared.

OR

An alternate motion

**HAYMARKET HISTORICAL FOUNDATION
ARTICLES OF ORGANIZATION**

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Articles of Organization of the undersigned, a majority of whom are citizens of the United States, desiring to form a Non-Profit Organization under the Non-Profit Laws of the Commonwealth of Virginia, do hereby certify:

FIRST: The name of the Organization shall be The Haymarket Historical Foundation.

SECOND: The place in this state where the principal office of the Organization is to be located is in the Town of Haymarket, Prince William County, Virginia.

THIRD: Said organization is organized exclusively for charitable, religious, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal revenue Code, or the corresponding section of any future federal tax code.

FOURTH: The names and addresses of the persons who are the initial trustees of the Organization are as follows:

John R. Kapp
14947 Madison Court
Haymarket, Virginia 20169

Sarah M. Turner
PO Box 414
Haymarket, Virginia 20168-0414

Susan Edwards
6938 Little John Court
Haymarket, Virginia 20169

Robert A. Mayer, Jr.
15692 Prosperity Drive
Haymarket, Virginia 20169-2117

FIFTH: No part of the net earnings of the Organization shall inure to the benefit of, or be distributed to its members, trustees, officers, or other private persons, except that the Organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article Third hereof. No substantial part of the activities of the Organization shall be carrying on of propaganda, or otherwise attempting to influence legislation, and the Organization shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or

Attachment: Haymarket Historic Foundation Funding (3780 : Haymarket Historic Foundation Funding)

RECEIVED SEP 04 2018

in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the Organization shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by an organization, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

SIXTH: Upon dissolution of the Organization, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a Court of Competent Jurisdiction of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

In witness whereof, we have hereunto subscribed our names this 30th day of June 1996.

John R. Kapp
John R. Kapp

Sarah M. Turner
Sarah M. Turner

Susan E. Edwards
Susan Edwards

Robert A. Mayer, Jr
Robert A. Mayer, Jr

Attachment: Haymarket Historic Foundation Funding (3780 : Haymarket Historic Foundation Funding)



**AN ORDINANCE TO WAIVE MEALS TAX
ON October 20th through 21st, 2018, SET BY
SECTION 42-186 OF THE CODE OF ORDINANCES,
TOWN OF HAYMARKET, VIRGINIA (2018), AS AMENDED,
RELATING TO FOOD AND BEVERAGES.**

ORDINANCE #2018-001

WHEREAS, The Town of Haymarket wishes to encourage a successful weekend for our local restaurants and vendors associated with Haymarket Day on October 20th, 2018 and throughout the weekend; and

WHEREAS, the Council believes that as we celebrate our history and heritage on one day, we believe our local restaurants and businesses will benefit from a second day of celebration and our hopeful that foot traffic generated on Haymarket Day will return to patronize our restaurants and businesses, thus contributing to the well-being of citizens and the prosperity of Town merchants;

NOW, THEREFORE, the Town Council of Haymarket declares a Meals Tax Free weekend on October 20th and 21st, 2018.

BE IT ORDAINED by the Council for the Town of Haymarket, Virginia, meeting in regular session this 9th day of October, 2018, that the Meals Tax is waived solely for the 20th and 21st day of October, 2018.

By Order of Council:

David Leake, Mayor

ATTEST:

Shelley Kozłowski, Clerk of Council

Sample Motion – *I move the Haymarket Town Council approve Ordinance #2018-001, Meals Tax Free Weekend for October 20st and October 21st, 2018.*

*Or
Alternative Motion*

Attachment: AN ORDINANCE TO WAIVE MEALS TAX (3778 : Ordinance #2018-001, Meals Tax Free Weekend)



Town of Haymarket
15000 Washington Street, #100
Haymarket, VA 20169
703-753-2600

Kathryn M. McDaniel, P.E.
TOWN ENGINEER

MEMORANDUM

TO: Honorable Mayor and Town Council
FROM: Kathryn M. McDaniel, Town Engineer
DATE: September 21, 2018
SUBJECT: Motion to Release the Performance Bond for Alexandra's Keep

Background:

The Alexandra's Keep plan and as-builts, prepared by Burgess and Niple, have been approved. The plan proposed twelve (12) single family attached lots along Alexandra's Keep Lane, a new street off Bleight Drive, and the associated utilities and road frontage improvements. Stormwater Management (SWM) was to be provided by a proposed underground stormwater management system. The developer has also completed installation of streetlights and turned the meter over to the Town.

Purpose:

The applicant has completed construction and development for the project, including coordination with Dominion to install a streetlight meter to be operated by the Town, and wishes to release the Performance Bond. Based on inspections, the land development activities appear to be in general conformance with the approved plan, and the Town has received documentation that the streetlight meter has been turned over to the Town..

Budgetary Impact:

Not applicable.

Staff Recommendation:

I have no objections to releasing the Performance Bond for this project. I recommend that the Performance Bond be released.

Draft Motion:

1. *I move that the Town Council release the Performance Bond for Alexandra's Keep.*

Or,

2. *I move an alternate motion*