

Haymarket Town Council Meeting
15016 Washington Street~Haymarket, Virginia 20169
Monday, January 9, 2006
Mayor Pamela E. Stutz

Roll Call: Sikorsky is absent

Dan Gorman: Troop 1159- His Eagle Scout Project was to restore the town podium. He presents to council.

Citizen's Time

Linda Landwehr, Fayette Street: Update on Review of Storm Water Mgmt System for 18th Century Haymarket.

Garcia comments that the Mayor and himself have walked the 18th Century Haymarket with an expert, and they feel there is a quick, inexpensive fix for the problems that some residents are experiencing. Ms. Landwehr wonders specifically how the new developments will impact the already serious problems of 18th Century Haymarket.

Tobias motions to approve the minutes of November 7 & 15 and December 5 & 21, 2005. with corrections noted, Weir seconds;

Ayes: 5

Nays: 0

Absent: 1

PUBLIC HEARING

Zoning Text Amendment to B1 for 58-182

1st Call for

2nd Call for

3rd Call for

1st Call Against

2nd Call Against

3rd Call Against

Dianne Bumbray introduces herself as new admin asst at the PD

***Councilwoman Sikorsky enters meeting....*

Police Report

Building Official Report

Last stages of Haymarket Station

E&S Problems

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Treasurers Report

Tobias motions to appropriate up to \$28,000, motion withdrawn second withdrawn

Maria Turner-Fayette Street: She did a ride along with ambulance at Gainesville VFD, and thinks that maybe the proffer monies go into the big pot at PWC not Gainesville specifically.

Cole motions to expend 50% of the Centex proffers to the police cruisers, \$10,404 and that we would finance the rest and that we withhold the remainder until we can find the appropriate specific budget line item to donate to, Sikorsky seconds;

Roll Call Vote: Tobias-No, Sikorsky-Yes, Cole-Yes, Garcia-Yes, Jarboe-Yes, Weir-Yes

Cole motions that when the Centex Proffer money arrives to approve the purchase not to exceed \$26, 000, not to exceed 6.5% not to exceed three (3) years in terms, Garcia seconds;

Roll Call Vote: Tobias-Yes, Sikorsky-Yes, Cole-Yes, Garcia-Yes, Jarboe-Yes, Weir-Yes

**Mayor would like all the treasurer information that is reflected in the code to get to the Town attorney.

Tobias motions to app. Up to \$1600 to the window from Town Center Prop, Cole seconds;

Tobias-Yes, Sikorsky-Yes, Cole-Yes, Garcia-Yes, Jarboe-Yes, Weir-Yes

Tobias motions to approve the Business license applications for Utterback Electric and TUSBCO, LLC, Weir seconds

Ayes: 6

Nays: 0

**Task the clerk's office with discussions of going without decals and talking to the state.

Tobias motions to order town tags at 3-3/4", Garcia seconds;

Roll Call Vote: Tobias-Yes, Sikorsky-No, Cole-Yes, Garcia-Yes, Jarboe-Yes, Weir-No,
Mayor breaks tie and votes YES

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Weir motions to enter into closed session pursuant to 2.2-3711-A (1) Personnel named town employees performance and possible discipline and to consider and discuss appointments to the BZA.

Ayes: 6
Nays: 0

Tobias motions certification of executive session pursuant to the motion to enter Tobias-yes, Sikorsky-Yes, Cole-Yes, Garcia-Yes, Jarboe-yes, Weir-Yes, Stutz-Yes

Tobias motions to nominate to the Circuit Court the appointment of Rebecca Bare to fill the vacancy on the BZA, her term to expire 1/31/2008;

Ayes: 6
Nays: 0

Tobias motions to nominate to the Circuit Court the appointment of Steve Aitken to the BZA, his term to expire 1/31/2009, Weir seconds;

Ayes: 6
Nays: 0

Tobias motions to nominate to the Circuit Court the appointment of Ken Farren, to the BZA, term to be decided later, Garcia seconds;

Ayes: 6
Nays: 0

Weir motions in light of the new charges filed by Fairfax County and apparent SOP violations weir moves to amend the conditions of officer Hoffman's suspension to "suspension without pay effective immediately", Sikorsky seconds;

Immediately defined to begin 1/10/06

Tobias-No, Sikorsky-Yes, Cole-Yes, Garcia-Yes, Jarboe-Yes, Weir-Yes

**Agenda item is to have the issue of appraisal of the Town Center Property on continuation meeting agenda.

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PWC Projects

Sikorsky motions to have Weir write letter to Woodbourne and Bryerton Estate detailing our negative support to those projects, Jarboe seconds;

Ayes: 6

Nays: 0

Tobias motions to continue this meeting to January 25, 2006, Weir seconds;

Ayes: 6

Nays: 0

Submitted:

Approved:



Jennifer Prel, Clerk to the Council



Pamela E. Stutz, Mayor

January 6, 2006

Town Council
Town of Haymarket
15016 Washington Street
Haymarket, VA 20169

Re: Tags vs Decals

Dear Council Members:

I am writing this letter to express my opinion for the town to switch from tags to decals. Enclosed you will find the Virginia Motor Vehicle code 46.2-716. This code relates to how a license plate shall be displayed. Per the state definition, I see if the town tag is attached the way demonstrated on the Town of Haymarket's website there is no violation in law. But not all vehicles are able to attach the license plates by the bottom tag bolts. Since many tags are attached by the top bolts, it would only be possible to attach the town tag by the top bolts which would obscure the license plate, which would turn this into a State Violation. If you take a drive through town you will notice many town tags installed in violation of state law. The only way most vehicles would be able to comply with state law is to have a license plate holder installed at an expense to them, which is clearly unfair to the citizens of the Town of Haymarket.



Tim Benjamin
14729 Dogwood Park Drive
Haymarket, VA 20169



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HAYMARKET
Established in 1799

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Town Tag / Vehicle Information

All residents must have a Town Tag on all vehicles garaged in the Town of Haymarket. A form for these Tags is available here to download.



[Adobe Reader .pdf version](#)



[MS Word version](#)

▶ [License Applications](#)

▶ [Trash & Recycling](#)

▶ [Recycling Guidelines](#)

▶ [Town Decals](#)

Please bring in the completed form to the Town Hall, along with a check or cash for EACH vehicle.

This form is also available at the Town Hall as well. The Tag should go on the front of the vehicle, directly under your State Tag, as shown below:



Any vehicles without a Town Tag, will be subject to a Citation from the Town of Haymarket Police Department.

**** PLEASE NOTE: TOWN TAGS MUST BE RENEWED YEARLY ****

§ 46.2-715. Display of license plates.

Statute text

License plates assigned to a motor vehicle, other than a motorcycle, tractor truck, trailer, or semitrailer, or to persons licensed as motor vehicle dealers or transporters of unladen vehicles, shall be attached to the front and the rear of the vehicle. The license plate assigned to a motorcycle, trailer, or semitrailer shall be attached to the rear of the vehicle. The license plate assigned to a tractor truck shall be attached to the front of the vehicle. The license plates issued to licensed motor vehicle dealers and to persons licensed as transporters of unladen vehicles shall consist of one plate for each set issued and shall be attached to the rear of the vehicle to which it is assigned.

History

(Code 1950, § 46-101; 1954, c. 210; 1958, c. 541, § 46.1-106; 1972, c. 609; 1974, c. 150; 1989, c. 727.)

Annotations

CASE NOTES

Reasonable suspicion of other offenses. - Display of license plates belonging to a vehicle other than the one to which they are attached may be permitted under § 46.2-719 and does not alone raise reasonable suspicion that vehicle was stolen; motion to suppress heroin found during improper search of owner should have been granted. *Lawrence v. Commonwealth*, 40 Va. App. 95, 578 S.E.2d 54, 2003 Va. App. LEXIS 136 (2003). Where an officer testified he stopped the defendant because the vehicle did not have a front license plate, the court properly found that the officer reasonably suspected the defendant was operating his vehicle in violation of § 46.2-715 and lawfully stopped the defendant. *Savage v. Commonwealth*, No. 0799-02-1, 2003 Va. App. LEXIS 187 (Ct. of Appeals Apr. 1, 2003).

§ 46.2-716. How license plates fastened to vehicle; altering appearance of license plates.

Statute text

A. Every license plate shall be securely fastened to the motor vehicle, trailer, or semitrailer to which it is assigned:

1. So as to prevent the plate from swinging,
2. In a position to be clearly visible, and
3. In a condition to be clearly legible.

B. No colored glass, colored plastic, or any other type of covering shall be placed, mounted, or installed on or over any license plate if such glass, plastic, or other type of covering in any way alters or obscures (i) the alpha-numeric information, (ii) the color of the license plate, (iii) the name or abbreviated name of the state wherein the vehicle is registered, or (iv) any character or characters, decal, stamp, or other device indicating the month or year in which the vehicle's registration expires. No insignia, emblems, or trailer hitches or couplings shall be mounted in such a way as to hide or obscure any portion of the license plate or render any portion of the license plate illegible.

C. The Superintendent may make such regulations as he may deem advisable to enforce the proper mounting and securing of the license plate on the vehicle.

History

(Code 1950, § 46-102; 1958, c. 541, § 46.1-107; 1960, c. 119; 1986, c. 186; 1989, c. 727; 2000, c. 258; 2001, c. 19.)

Annotations

The 2000 amendments. - The 2000 amendment by c. 258 added "altering appearance of license plates" in the section catchline; and rewrote subsection B, which read: "No covering of any type which alters the appearance of the license plate may be placed on or over the license plate. Insignia, emblems, or trailer hitches or couplings shall not be mounted in such a way that any portion of the license is illegible."

The 2001 amendments. - The 2001 amendment by c. 19, in subsection B, inserted the clause (i) designator, substituted "(ii) the" for "or," and added the language beginning (iii) the name or abbreviated" and ending "vehicle's registration expires."

CASE NOTES

Probable cause to search. - Although the police could not have searched defendant's car based solely upon a tinted license plate cover, defendant's attempt to flee constituted a new offense and provided probable cause to effect a custodial arrest and subsequent search. *Elder v. Commonwealth*, No. 2417-03-3, 2004 Va. App. LEXIS 508 (Ct. of Appeals Nov. 2, 2004).