

Haymarket Town Council
Continuation meeting of August 01, 2005~August 15, 2005
15016 Washington Street~Haymarket, VA 20169
Mayor Pamela E. Stutz

Meeting called to order at 7:04 pm

Roll Call~Natasha Sikorsky, James Tobias, Pamela Stutz, Bryan Garcia, Sheila Jarboe, Robert Weir (All Present, currently 1 vacancy on council)

SoDeep Contract

Garcia motions to execute the agreement with SoDeep to perform the test borings, agreement
May 19, 2005,
Sikorsky-Yes, Tobias-Yes, Garcia-yes, Jarboe-Yes, Weir-Yes

PUBLIC HEARING

In Favor of amended budget:

1st, 2nd, 3rd, call: Non e

Opposed to amended budget:

1st, 2nd, 3rd, call: Non e

Garcia motions to approve the amended budget as attached for Fiscal Year 2006, Jarboe
seconds;

By A Roll Call Vote: Sikorsky-Yes, Tobias-Yes, Garcia-Yes, Jarboe-Yes, Weir-Yes
(Council has 1 vacancy)

Amended budget approved

Garcia motions to appropriate \$25,000 for Capital Improvements, specifically designated for the
streetscape project; Tobias;

Roll Call Vote: Sikorsky-Yes, Tobias-Yes, Garcia-Yes, Jarboe-Yes, Weir-Yes
(Council has 1 vacancy)

Appointments to Council

Two proposals to join council-John Cole and Steve Aitken

Tobias motions to appoint John C. Cole to the Town Council, the term of which to run through
June 30, 2006 as vacated by the appointment of Pamela Stutz to Mayor;

Ayes: 5

Nays: 0

Absent: 0 (Council has 1 vacancy)

Abstain: 0

Weir motions to appoint John C. Cole as council liaison to Architectural Review Board, Tobias
seconds;

Ayes: 5

Nays: 0

Absent: 0 (Council has 1 vacancy)

Abstain: 0

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Sikorsky motions to appoint Bryan A. Garcia as Vice Mayor to the Town of Haymarket, the term of which to run through June 30, 2006, Jarboe seconds;

Ayes: 5

Nays: 0

Absent: 0 (Council has 1 vacancy)

Abstain: 0

Sikorsky comments that Haymarket Day is progressing and we are still accepting application despite last Friday's deadline. Sikorsky's big question is children's events.

Citizen Time Discussion

Discussions over extending citizen's time during town council meetings. Council will be removing the time limit from citizen's time, and this council will open up citizen's time (with the majority of council approval) throughout the meeting.

Rebecca Bear

Comments that she can provide us with other entertainment companies for Haymarket Day that could possibly give us a better price than the company we've been using.

Keith Verzi

Speaks about Alexandra's Keep. Reminds of several petitions to keep out high density development. Reminds of Charrette and the results of the survey. Preserving small town appeal, don't lose small town sense of community.

Linda Childress

Requests that agenda items are sent out with consistency. PA system is not conducive to the issues that are being discussed. Wants to be made aware of all meetings.

Alexandra's Keep

Weir comments that there are a couple of misperceptions. Sewage is not an issue that the town cannot handle the issue, but a matter of time. Density is substantially lower 4.8 units per acre. Bennett did have concerns over some of the legal issues, there are certain items, mainly payment of sums. These issues have been addressed to the town attorney's satisfaction.

Weir motions to approve the Re-zoning for GPIN #7397-19-3972 in accordance with the SUP dated April 27, 2005 revised August 7, 2005 conditioned up the indemnity letter being signed by both Robert Simmons and Trusted Management be conditioned upon the execution by both parties within 5 days of approval from the council; Sikorsky seconds;
By a Roll Call Vote: Sikorsky-No, Tobias-Yes, Garcia-Yes, Jarboe-No, Weir-Yes

Harrover Property

SunTrust has issued a commitment to the Town for \$1.5 million GO Bond financing for 10 year terms as discussed by Council. 3.87% amort. Over 20 years, due and payable in full at 10 years. There are no conditions on the bond, the town has until Sept. 22, we are locked on rate until Sept. 15. We will try to close as close to the 15th as possible.

**Clerk to specify to Dewberry that we need the survey by Sept. 1, 2005.

Minutes Page 2 of 4

Attachments:

Amended Budget

SoDeep Contract dated May 19, 2005

Indemnity Letter executed by Trusted Management & Robert Simmons for GPIN #7397-19-3972

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Mayor Stutz speaks about a tenant on the property. Should we lease to him for a couple of additional months, we would probably increase the rent and require security deposits.

Sikorsky motions to allow the tenant in the home on the Harover property to pay the Town rent throught Dec. 31, 2005 contingent upon approval of SunTrust, to include a two month security deposit at a rate of their current rent, Weir seconds; Garcia will continue to recuse himself from any issue surround

Ayes: 3

Nays: 1 (Tobias)

Tobias motions to spend \$1200 to fix the two units

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

Kennedy proposal

Bennett expresses concerns that the town provide owner financing, rather hold a seconds deed. Counsel feels this is not in the best interest of the taxpayer. Stutz would like to know if the contract is available to the public. Bennett responds that the governing body should have responded first, but since Kennedy made it somewhat public, it would be up to council to discuss. Garcia recuses himself on any actions y council. Garcia steps down to the audience. Garcia comments that his client would like to keep negotiations confidential.

**Appraisal issue to be set at Sept. meeting.

Announcement as to Chief Roop's daughter having Leukemia.

Sikorsky motions to replace Mr. Kehoe as the Treasurer of the Town of Haymarket, Weir seconds;

Ayes: Sikorsky-Yes, Tobias-No, Garcia-Yes, Jarboe-Yes, Weir-Yes

Tobias leaves meeting.....8:50 pm

Stutz speaks regarding Treasurer and Deputy Clerk

Garcia motions to hire Sharon Wilson as our deputy clerk for a probationary of 6 months, per the town's employee policy manual, Sikorsky seconds;

Ayes: 4

Nays: 0

Abstain: 1 Tobias

Garcia motions to enter in an indep. Contractor agreement for a probabonary period of three months at a rate of \$35/hour, Monday-Friday afternoons and an additional six hour session at the end of the month \$1330 at the beginning of each month as a retainer.

Ayes: 4

Nays: 0

Absent: 1 Tobias

Mayor would like council to make a list of items that they would like to see

Garcia apologizes for leaving the Town Hall meeting abruptly on Saturday August 4.

Citizen's Time

Glenwood Bear: Reminds all of gas rations.

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Dottie Leonard: Reminds council that they have to consider the land itself.

Jarboe motions to adjourn the meeting of August 1, 2005 continued to August 15, 2005, Weir
seconds:
Ayes: 4
Nays: 0
Absent: Tobias
Abstain: 0

Submitted:

Approved:



Jennifer Preli, Clerk

Pamela E. Stutz, Mayor

RESOLUTION

WHEREAS, the Town of Haymarket, Virginia, did on the 4th day of April, 2005 adopt an “Initial Ordinance and Resolution” authorizing the issuance of general obligations bonds not to exceed \$10,000,000; and

WHEREAS, the Council has heretofore authorized the issuance of \$200,000 of such bonds and none other; and

WHEREAS, the Town now desires to issue an additional \$1.5 million in bonds in accordance with the terms hereinafter set forth and in accordance with the terms of the Initial Ordinance and Resolution; and

WHEREAS, such Initial Ordinance and Resolution requires that no bonds may be delivered until the form and details thereof shall be determined and set forth in paragraph 4 of such resolution;

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of Haymarket, Virginia, does hereby authorize the issuance, execution and delivery of a general obligation bond in a maximum principal amount of \$1.5 million at a rate of interest not to exceed 4.0% with monthly or quarterly payments for a term of 10 years based on a 20 year amortization with such bond to be purchased by SunTrust Bank. Said bond may provide for a prepayment penalty as set forth in the term sheet of SunTrust dated July 27, 2005 specifying a prepayment premium equal to 102% of the outstanding principal balance for years 1 through 6 inclusive, 101% in year 7 and at par in years 8 through 10. Such bond shall be general obligations of the

Town for the payment of principal and interest on which its full faith and credit shall be irrevocably pledged and shall be payable from ad valorem taxes without limitation of rate or amount, to the extent other monies of the Town are not lawfully available and appropriated therefor.

A copy of the Initial Ordinance and Resolution has been duly filed with the Circuit Court of Prince William County.

Done this 1st day of August, 2005, upon a roll call vote.

TOWN OF HAYMARKET, VIRGINIA

BY: 
Vice Mayor

CERTIFICATE

The record of the roll-call vote by the Town Council of the Town of Haymarket, Virginia, on the foregoing Resolution adopted by the Town Council by a roll-call vote at the regular meeting of the Town Council on August 1, 2005, is as follows:

Voting aye: James E. Tobias, Natasha A. Sikorsky, Robert B. Weir and Sheila L. Jarboe

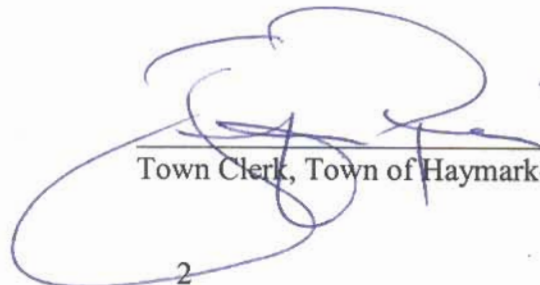
Voting nay: none

Abstain: Vice Mayor Stutz and Bryan A. Garcia

Absent: none

Dated: August 1, 2005

[SEAL]


Town Clerk, Town of Haymarket, Virginia

MOTION: Weir

August 1, 2005 - Regular Meeting
Continued to August 15, 2005

SECOND: Sikorsky

Ord. No. 05- 001

RE: AN ORDINANCE TO ESTABLISH A SPECIAL USE PERMIT (SUP) WITH DEVELOPMENT CONDITIONS FOR ALEXANDRA'S KEEP – TRUSTED MANAGEMENT AND SERVICES LLC AND ROBERT L. SIMMONS & ASSOCIATES, LLC (Applicants) GPIN PARCEL NO. 7397-19-3972

ACTION:

WHEREAS, this is a request to approve a Special Use Permit (SUP) to allow townhouses in an R-2 zone with a private shared accessway as shown on the *Generalized Development Plan, Special Use Permit Plan and Zoning Plat*, prepared by Burgess & Niple (last revised June 10, 2005) and with conditions as set forth in the Special Use Development Conditions dated April 27, 2005, revised August 1, 2005. The site is located along Bleight Drive and is identified on Town maps as GPIN 7397-19-3972; and

WHEREAS, the special use permit was duly referred to the Planning Commission and a public hearing was held after due notice and advertising in strict conformity with the statutes made and provided for such matters and the Planning Commission did recommend adoption of such special use permit to the Council; and

WHEREAS, the Town Council did hold a public hearing on the 1st day of August 2005, after duly advertising and noticing the same, all in strict conformity with the statutes made and provided for such matters; and

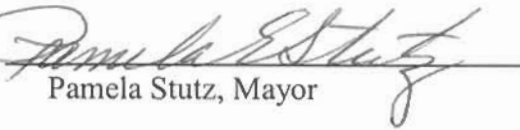
WHEREAS, the Town Council did thereafter consider the special use permit and the appropriate development conditions in relation thereto.

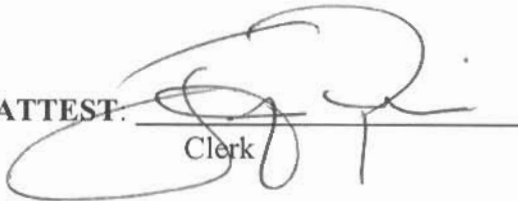
NOW, THEREFORE, BE IT ORDAINED, on motion duly made and upon a roll call vote, a quorum being present, by the Town Council of the Town of Haymarket, Virginia that the public necessity, convenience, general welfare and good zoning practice indicate that the Council grant a special use permit under the particular facts and circumstances of the application for townhouses in an R-2 district as permitted by Section 58-98 of the Code of the Town of Haymarket, Virginia, and in furtherance thereof a special use permit is hereby granted for property consisting of approximately 1.9 acres identified as GPIN PARCEL NO. 7397-19-3972, but only upon the express conditions set forth in the Special Use Permit Development Conditions dated April 27, 2005, revised August 1, 2005, attached hereto as Exhibit "A" and incorporated by reference including, among other things, the Generalized Development Plan, Special Use Permit Planning and Rezoning plat of Alexandra's Keep prepared by Burgess & Niple, dated June 10, 2004, all of which are incorporated as if fully set forth herein and further conditioned upon the validity and enforcement of a certain Indemnification Agreement

dated April 15, 2005 executed by the owner and contract purchaser, attached hereto as Exhibit "B". The Council finds that the special use permit gave rise to the need for such conditions, and that such conditions have a reasonable relation to the special use permit hereby granted.

Done this 15th day of August, 2005 by roll call vote of the Town Council of Haymarket, Virginia.

TOWN COUNCIL
TOWN OF HAYMARKET, VIRGINIA

By: 
Pamela Stutz, Mayor

ATTEST: 
Clerk

Voting aye: Tobias, Garcia and Weir

Voting nay: Sikorsky and Jarboe

Abstaining: None

Absent: None

SUP Alexandra's Keep 8/15/05
Exhibit "A"

SPECIAL USE PERMIT DEVELOPMENT CONDITIONS
APRIL 27, 2005
REVISED AUGUST 1, 2005
ALEXANDRA'S KEEP

Record Owners/Applicants: Trusted Management and Services, LLC

Contract Purchaser: Robert L. Simmons & Associates, LLC

Property: GPIN Number 7397-19-3972; Town of Haymarket
(hereinafter, the "Property")

Site Area: 1.9 ± acres

Zoning: R-2 with an SUP for Townhouses

The term "Applicant" as referenced herein shall include within its meaning all successors and assigns of the current Applicant. The term "Special Use Permit Plan" or "SUP Plan" as referenced herein shall include the plan entitled "Generalized Development Plan, Special Use Permit Plan and Rezoning Plat Alexandra's Keep," prepared by Burgess & Niple and dated June 10, 2004, as last signed and sealed April 26, 2005.

1. DEVELOPMENT AND USE

1.1 The Property shall be developed and used for a maximum of twelve (12) single family attached townhomes, with a minimum lot size exceeding 2,000 square feet.

1.2 Development of the Property shall be in substantial conformance with the Special Use Permit Plan, provided, however, that minor modifications to the lot layout and road alignments may be made due to final engineering considerations at the time of subdivision plan submission.

1.3 Prior to obtaining the first occupancy permit for the Property, the Bleight Drive cul-de-sac and road improvements shall be constructed by the Applicant substantially as shown on the SUP Plan. Bleight Drive shall be widened to a twenty-two (22) foot wide pavement section in the area shown on the SUP Plan in conformance with VDOT as well as Town requirements and specifications.

2. COMMUNITY DESIGN

2.1 Subject to modifications made in the ARB approval process, the architectural design and building materials on the Property shall be substantially the same in design, materials and color, with that shown on Exhibit A hereto.

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shown on said landscaping plan. Said landscaping plan shall not utilize any white pine, flowering pears or mountain ash trees.

4.3 Said landscaping plan shall show a minimum of 32 deciduous and evergreen trees along the southern boundary, at least 16 deciduous and evergreen trees along the eastern boundary, and at least 40 deciduous and evergreen trees along the northern boundary, each with a minimum planting height of eight feet, all as substantially shown on the SUP plan. The species and exact location of these trees shall be approved by the Town at the time of final site plan. The Applicant, its successors and assigns, shall be responsible for planting, maintaining and replacing, if dead or dying, all such trees shown on the approved Site Plan.

5. STORMWATER MANAGEMENT

5.1 A stormwater management/best management practices facility serving the entire area of the Property shall be provided offsite on GPIN parcel number 7397-19-4508. The easement and design specifications for said SWM/BMP facilities shall be approved by the Town as part of the Site Plan for the Property.

5.2 A restrictive covenant shall be included in the Deed of Subdivision precluding any discharge into the public sanitary or storm sewer of fuels, oil, solvents, antifreeze or other similar pollutants.

6. HISTORIC RESOURCES

The Applicant shall contribute to the Town, on a per unit basis, \$500.00 per townhouse unit, to be used by the Historic Commission of Haymarket. This per unit contribution shall be made on or before the time of obtaining each final building permit.

7. POLICE, FIRE AND RESCUE

The Applicant shall contribute to the Town, on a per unit basis, \$1,257.53 per townhouse unit, to be used for the improvement of police, fire and rescue services within the Town. The Town may forward all or a portion of this contribution to Prince William County or to the Gainesville Volunteer Fire Company. This per unit contribution shall be made on or before the time of obtaining each final building permit.

8. PARKS/RECREATION/PUBLIC WORKS

The Applicant shall contribute to the Town, on a per unit basis, \$4,500.00 per townhouse unit to be used for parks, recreation facilities, sidewalks, streetscape, and other public improvements within the Town. This per unit contribution shall be made on or before the time of obtaining each final building permit.



9. SCHOOLS

The Applicant shall contribute to the Town, on a per unit basis, \$8,435.00 per townhouse unit, to be used for the improvement of public schools serving Town residents. The Town Council, at its sole discretion, may forward all or a portion of this contribution to the Prince William County School Board or to a specific local school PTA. This per unit contribution shall be made on or before the time of obtaining each final Building Permit.

10. CREATION OF HOMEOWNERS ASSOCIATION

10.1 A homeowners association ("HOA") shall be created and shall be made responsible for the maintenance and repair of all common areas and facilities, including the off-site stormwater management facility established in accordance herewith. The HOA shall be granted such other responsibilities, duties, and powers as are customary for such associations, or as may be required to effect the purposes for which such HOA is created. Such HOA shall also be granted sufficient powers as may be necessary, by regular or special dues or assessment, to raise revenues sufficient to perform the duties assigned hereby, or by the documents creating the Association.

10.2 In addition to any other duties and responsibilities as may be assigned to it, the HOA shall have title to and responsibility for maintaining, repairing, improving and/or constructing all facilities, landscaping and other improvements on, under or over (i) all common open space areas not dedicated to public use, (ii) all common buffer areas located outside of residential lots, and (iii) the any entrance feature, signs, private drive, private sidewalks, common area lighting and off-site stormwater management facility.

10.3 The HOA documents and covenants shall fully implement the letter and spirit of these SUP development conditions. The HOA documents and covenants shall be reviewed and approved by the Town Attorney prior to their recordation among the land records.

11. ESCALATOR

In the event the monetary contributions set forth herein are paid to the Town within eighteen (18) months after final approval of this SUP, said contributions shall be in the amounts as stated herein. Any monetary contributions set forth herein which are paid to the Town after eighteen (18) months following final approval of this SUP shall be adjusted in accordance with the Consumer Price Index for all urban consumers 1982-1984=100 (not seasonally adjusted) ("CPI-U") published by the United States Department of Labor, such that at the time contributions are paid they shall be adjusted by the percentage change in the CPI-U from that date eighteen (18) months after final approval of this rezoning to the most recently available CPI-U to the date the contributions are paid.

12. DEVELOPMENT CONDITIONS

The foregoing development conditions are agreed to and accepted as binding by the owner and contract purchaser of the Property and upon any successor in title of the Property.

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Any contract of sale for the Property and any deed of conveyance of the Property shall contain a statement that the Purchaser/Grantee agrees to and accepts as binding all provisions of the SUP application and any permits issued pursuant thereto.

By:  _____, Managing Member
Robert L. Simmons & Associates, LLC

By:  _____, Managing Member
Trusted Management and Services, LLC

SUP - Alexandra Keep 8/15/05
Exhibit "B"

August 15, 2005

Town Council
Haymarket Town Hall
15016 Washington Street
Haymarket, VA 20168

Re: Alexandra's Keep

Dear Council Members:

The Applicant, on behalf of itself and its successors and assigns, hereby agrees to and accepts as binding the SUP Development Conditions which are dated April 27, 2005 and revised August 1, 2005. The Applicant, on behalf of itself and its successors and assigns, further agrees to indemnify the Town against any legal challenge filed by the Applicant, its successors or assigns, to any or all of these SUP conditions. Said indemnification shall include the reimbursement of all reasonable costs, including reasonable attorney fees, of defending such legal challenge filed by the Applicant, its successors or assigns.

Robert L. Simmons & Associates, LLC

By: 

Trusted Management and Services, LLC

By:  08/17/2005



ALEXANDRA'S KEEP

HAYMARKET, VA
NOV. 6, 2004.

ROBERT L. SIMMONS & ASSOCIATES, LLC

ELEVATION

20' TOWNHOMES

THE LESSARD ARCHITECTURAL GROUP INC.

4833 LITTLETON BLVD., SUITE 100, FARMERSVILLE, VA 22434 TEL: 703-780-0344 FAX: 703-780-0222



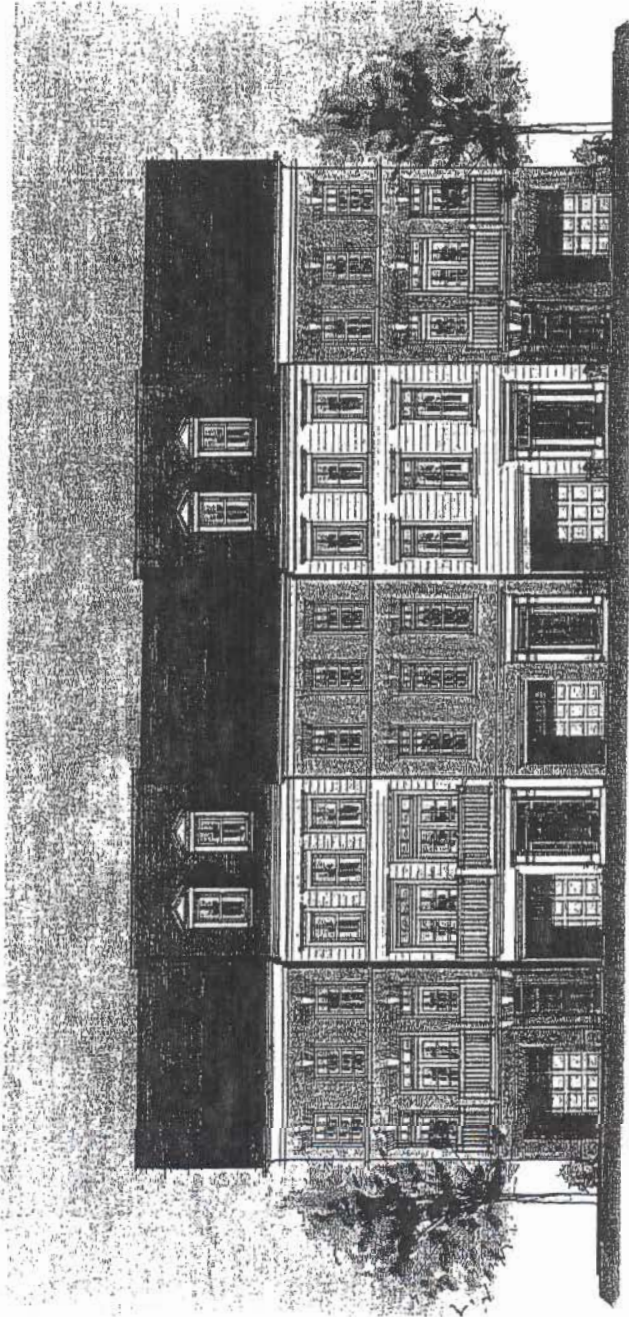
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EXHIBIT

BA

S.2



ALEXANDRA'S KEEP
HAYMARKET, VA
NOV. 8, 2004

ROBERT L. SIMMONS & ASSOCIATES, LLC

ELEVATION

THE LESSARD ARCHITECTURAL GROUP INC.
4841 LITTLETON FLY, SUITE 100, FARMERSVILLE, VA 22434 TEL: 703-760-9384

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EXHIBIT I