



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING

~ AGENDA ~

Kimberly Henry, Clerk of the Council
<http://www.townofhaymarket.org/>

15000 Washington St
Haymarket, VA 20169

Monday, February 7, 2022

7:00 PM

Council Chambers

I. Call To Order

II. Pledge of Allegiance

III. Invocation - Rev. Don Meeks, Greenwich Presbyterian Church

IV. Recognition of Service

V. Citizens Time

VI. Closed Session

VII. Consent Agenda

A. Minute Approval

1. Mayor and Council - Regular Meeting - Jan 10, 2022 7:00 PM

B. Department Reports

1. Town Administration Report
2. Treasurer's Report
3. Police Department Report
4. Town Planner Report
5. Town Engineer Report
6. Town Attorney Report

C. Liaison Reports

1. Finance Liaison Report
2. Police Liaison Report
3. Business Liaison Report
4. Planning Commission Liaison Report
5. Architectural Review Board Liaison Report

VIII. Agenda Items

1. Economic Development Update - Miles Friedman
2. Crossroads Village Center SUP#2021-001 Restaurant, Drive-In
3. Final ARPA Guidelines Report and Discussion
4. Transient Occupancy Tax Ordinance Discussion
5. RFP Sidewalk Discussion
6. Personnel Liaison Appointment
7. Consideration of Resolution 2022-001: Support of HB79
8. Consideration of Resolution 2022-002
9. Consideration of Resolution 2022-003
10. Texting Service - Acai Software

IX. Councilmember Time

1. Chris Morris
2. Mary Ramirez
3. Marchant Schneider
4. TracyLynn Pater
5. Joe Pasanello
6. Bob Weir

7. Ken Luersen

X. Adjournment



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING ~ MINUTES ~

Kimberly Henry, Clerk of the Council
<http://www.townofhaymarket.org/>

15000 Washington St
Haymarket, VA 20169

Monday, January 10, 2022

7:00 PM

Council Chambers

A Regular Meeting of the Mayor and Council of the Town of Haymarket, VA, was held this evening in the Council Chambers, commencing at 7:00 PM.

Mayor Kenneth Luersen called the meeting to order.

I. Call To Order

Councilman Marchant Schneider: Absent, Councilman Chris Morris: Present, Councilman Joe Pasanello: Remote, Councilman Bob Weir: Present, Vice Mayor TracyLynn Pater: Present, Councilwoman Mary Ramirez: Present, Mayor Kenneth Luersen: Present.

II. Pledge of Allegiance

Mayor Luersen invited everyone to stand for the Pledge of Allegiance.

III. Invocation - Mark Brady, Park Valley Church

Mayor Luersen asked Pastor Brady to the podium to give the evening's invocation.

IV. State Legislature Day - Danica Roem

Delegate Roem shared several House Bills that she will be presenting at the 2022 General Assembly. Some of the bills that she will be presenting is a BZA bill that would provide funding for BZA's to get outside legal counseling on matters; having elected officials that receive more than \$100 from developers disclose the donation and recuse themselves on any vote in connection with that developer; putting a cap on FOIA fees, which would directly affect the Town; a bill that would take 10% of the Commonwealth's surplus for localities to work on problem pedestrian/bicycle areas; reforming the guardianship program; a DMV bill that would extend drivers license period for those in the military that is stationed outside of Virginia; meal debt elimination that students may be carrying so that they can graduate or participate in school activities, and the faster response in meal assistance applications. Ms. Roem asked for any questions after her presentation. A short discussion followed.

V. Citizens Time

Bobby Kelly, a resident of Heritage Hunt, addressed the Town Council on the subject of proposed upcoming data centers. Ms. Kelly stated that a group of concerned citizens have gathered and is in opposition of the County's comprehensive plan that has planned the building of future data centers in the existing rural crescent that abuts Manassas battlefield and Heritage Hunt. She gave information regarding the impact of data centers would have in the area. She stated that the group have a petition against the data centers and asked that the Town provide information to the citizens and consider signing the petition.

VI. Consent Agenda

Mayor Luersen asked to pull the Town Administration report off the Consent Agenda.

Councilman Weir moved to adopt the Consent Agenda items A: 1-3, B: 2-6 and C: 1-5. Councilman Pasanello seconded the motion. The motion carried.

A. Minute Approval

1. Mayor and Council - Work Session - Nov 29, 2021 7:00 PM

Minutes Acceptance: Minutes of Jan 10, 2022 7:00 PM (Minute Approval)

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Bob Weir, Councilman
SECONDER: Joe Pasanello, Councilman
AYES: Morris, Pasanello, Weir, Pater, Ramirez
ABSENT: Marchant Schneider

2. Mayor and Council - Special Meeting - Dec 6, 2021 5:00 PM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Bob Weir, Councilman
SECONDER: Joe Pasanello, Councilman
AYES: Morris, Pasanello, Weir, Pater, Ramirez
ABSENT: Marchant Schneider

3. Mayor and Council - Regular Meeting - Dec 6, 2021 7:00 PM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Bob Weir, Councilman
SECONDER: Joe Pasanello, Councilman
AYES: Morris, Pasanello, Weir, Pater, Ramirez
ABSENT: Marchant Schneider

B. Department Report

1. Town Administration Report

Mayor Luersen addressed the subject of snow removal and the maintenance of sidewalks during a recent snow storm. The Mayor stated that there has not been a concrete policy in place. He asked the staff if a temporary plan has been put in place until the Council comes up with a concrete policy. Town Planner Emily Kyriazi gave a brief report on how snow removal from the sidewalks was done in previous years. Mrs. Kyriazi also stated that the Town has a signed snow removal contract with a company but the sidewalks are not included at the contracted rate. Sidewalk snow removal would be an additional cost. She stated that, upon review from the finance liaisons, she would recommend to have the sidewalk snow removal added as an additional service until the contract ceases in March 2022. Mrs. Kyriazi also suggested that a full plan be in effect by December 2022. A discussion followed on the subject. After the discussion, Mayor Luersen asked that the Town take responsibility of the streets on Washington Street and the multi-use pathway on the northwest side of Jefferson Street. The Town Council was in agreement with the Mayor's recommendation.

Mayor Luersen asked for the details on the maintenance truck purchase and the fleet maintenance schedule on the vehicle. Chief Sibert stated that it would be beneficial to the Town to include the truck with the police vehicle fleet maintenance schedule. A short discussion followed. Without objection, Mayor Luersen directed the Police Chief to the Town maintenance truck into the police department fleet vehicle maintenance schedule.

Mayor Luersen addressed the recent increase in COV-ID related cases and asked that the office make sure that the protocols are in place and being followed.

2. Police Chief Report

3. Town Treasurer Report

4. Town Planner/Zoning Administrator Report

5. Town Engineer Report

6. Town Attorney Report

C. Liaison Reports

1. Finance Liaison Report

2. Police Liaison Report

3. Planning Commission Liaison Report

4. Architectural Review Board

5. Business Roundtable

VII. Agenda Items

1. Chief Sibert's 100 Days in Review Presentation

Police Chief Al Sibert gave his 100 day review while in office. He stated upon his hiring, he talked with current officers, staff and Town Council and have set some short and long term goals along with a 100 day plan to have the most important issues addressed. The following was in the 100 day plan: a full policy review, a full inventory of departmental resources, a full inventory of departmental equipment to include status, an inventory and audit of all evidence and evidence room procedures, server acquisition, and drone program and policy adoption. Chief Sibert gave a detailed report on each issue. Chief Sibert also gave other items that the department has worked on or accomplished within his 100 days in office. He provide long term goals with the most important goal is for the department to be accredited.

2. 2022 Meeting Schedule

Town Clerk Kim Henry stated that at the December regular monthly meeting, the Town Council moved to not have a work session at the end of December but did not adopt the 2022 meeting schedule.

Councilman Weir moved that the Town of Haymarket Town Council set the 2022 meeting schedule as provided. Councilman Pasanello seconded the motion. The motion carried.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bob Weir, Councilman
SECONDER:	Joe Pasanello, Councilman
AYES:	Morris, Pasanello, Weir, Pater, Ramirez
ABSENT:	Marchant Schneider

3. Town Hall Inclement Weather Policay

Town Planner Emily Kyriazi shared that the office follows Prince William County government on their inclement weather policy. Mrs. Kyriazi shared that with the better server system now in place, the staff has better capabilities to telework and would like to discuss and implement a teleworking policy for the future. A short discussion followed. Mrs. Kyriazi asked until a teleworking policy is implemented, that she work with the Mayor to make a determination for staff members to telework that live a distance. There was no objection from the Town Council. There was a short discussion on the DMV Select hours and contract. Town Clerk Kim Henry shared that the contract would not be effected if the Select office had to close due to inclement weather and that she has the capability of rescheduling the appointments from home. She stated that DMV is aware of regional weather that could effect one office to close yet in another region the offices would be open.

4. RFP for Town Sidewalk

Town Planner Emily Kyriazi stated that due to the inclement weather and holiday schedules, she did not have an update but will have one available at the next work session in January. No action was taken. A discussion followed on the timeline and the design build policy that was implemented at the December Regular monthly meeting.

5. Event Coordinator Position

Town Planner Emily Kyriazi gave a brief update on the position. Mrs. Kyriazi stated that the job description had not change since presented at the last meeting but will not proceed with the social media position at this time. She stated that the position was discussed with the finance liaisons at one of their recent meetings. Mrs. Kyriazi requested that the Town Council approve the position with a condition that the salary amount is approved through the finance liaisons. A short discussion followed.

Vice Mayor Pater moved that the Town Council approve the event coordinator position conditioned on the final discussion of salary and payment through the finance committee and the final approval given by the finance committee regarding salary. Councilman Morris seconded the motion. The motion carried by a roll call vote.

Minutes Acceptance: Minutes of Jan 10, 2022 7:00 PM (Minute Approval)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	TracyLynn Pater, Vice Mayor
SECONDER:	Chris Morris, Councilman
AYES:	Morris, Pasanello, Weir, Pater, Ramirez
ABSENT:	Marchant Schneider

VIII. Councilmember Time

1. Bob Weir

Councilman Weir asked that the Town recognize a local citizen and give an accommodation to him who received the Coach Wooden citizens cup from the NCAA. Councilman Weir also stated that he would like for Council to consider a resolution at the February regular meeting in support of HB79. He also shared that anyone interested in information on the proposed data centers that the County is considering to contact him.

2. Joe Pasanello

Councilman Pasanello thanked the Mayor for recognizing Law Enforcement Officer Day. Also, Mr. Pasanello stated that January is Firefighter Cancer Awareness month and stated that he would like to bring attention to the importance and dedication of our firefighters.

3. TracyLynn Pater

Vice Mayor Pater stated that the events in December were successful and thanked all who attended. Ms. Pater shared the date for the next business roundtable meeting.

4. Marchant Schneider

Due to Councilman Schneider's absence, there was no report.

5. Mary Ramirez

Councilwoman Ramirez thanked the Town Staff for the hard work and dedication. Mrs. Ramirez also thanked the Mayor for the recognition of the Law Enforcement Officer Day.

6. Chris Morris

Councilman Morris stated he had nothing to report.

7. Ken Luersen

Mayor Luersen had nothing to report.

IX. Closed Session

1. Motion for Closed Session

Councilman Weir moved that the Town Council go into closed session pursuant to Virginia Code § 2.2-3711(A)(1) for a personnel matter involving the assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Town; specifically dealing with the office of the Town Manager; and as permitted by Virginia Code § 2.2-3711 (A)(7), consultation with legal counsel or briefing by staff members or consultants pertaining to probable litigation involving Haymarket Properties Group and the pending case of Bean vs. The Town of Haymarket, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Town; and as permitted by Virginia Code § 2.2-3711 (A)(8), consultation with legal counsel regarding a specific legal matter requiring the provision of legal advice by such counsel relating to multiple jurisdictional contracts. Vice Mayor Pater seconded the motion. The motion carried.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bob Weir, Councilman
SECONDER:	TracyLynn Pater, Vice Mayor
AYES:	Morris, Pasanello, Weir, Pater, Ramirez
ABSENT:	Marchant Schneider

2. Certification

Councilman Weir moved that the Council certify that, in the closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed in a closed session under the provisions of the Virginia Freedom of Information Act as

cited in that motion. Councilman Morris seconded the motion. The motion carried by a roll call vote.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bob Weir, Councilman
SECONDER:	Chris Morris, Councilman
AYES:	Morris, Pasanello, Weir, Pater, Ramirez, Luersen
ABSENT:	Marchant Schneider

3. Appointment of Acting Town Manager

Vice Mayor Pater moved to appoint Emily Kyriazi as the acting Town Manager effective January 1, 2022. Councilman Morris seconded the motion. The motion carried by a roll call vote.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	TracyLynn Pater, Vice Mayor
SECONDER:	Chris Morris, Councilman
AYES:	Morris, Pasanello, Weir, Pater, Ramirez
ABSENT:	Marchant Schneider

4. Directive

With no objections from the Town Council, Councilman Morris directed the finance liaisons, as discussed, in relation to the numeration for the acting Town Manager.

X. Adjournment

With no further business before the Town Council, Councilman Weir moved to adjourn with a second by Councilman Pasanello.

1. Motion to Adjourn

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bob Weir, Councilman
SECONDER:	Joe Pasanello, Councilman
AYES:	Morris, Pasanello, Weir, Pater, Ramirez
ABSENT:	Marchant Schneider

Submitted:

Approved:

Kimberly Henry, Clerk of the Council

Kenneth Luersen, Mayor

Minutes Acceptance: Minutes of Jan 10, 2022 7:00 PM (Minute Approval)

Town of Haymarket Work Tracker (Updated 1/7/2022)

Task	Assigned to	Date Task Started	Work Items Required	Anticipated End Date:	Actual End Date:	Comments:
Office of the Town Manager						
Transition Updates	Staff					Status : Good, met with Jerry Schiro and Staff on Thursday January 13, 2022 to discuss the current transition, projects, upcoming agenda items, areas where we need assistance and going forward. We will meet again with Jerry on January 20, 2022. We are requesting Jerry to attend the Finance Committee Meeting on the 20th. We will provide Jerry with the week's updates and follow up on the items from 1/13
Preparing for Snow						In advance of the upcoming snow on 1/16 & 1/17, Arrangements have been made to have the sidewalks cleared by Premier Turf
Acting Town Manager Update	Worked with Staff on 1/12 to hold a Staff Meeting and update the work items board (white board in Emily K.'s office) Will continue to further outline and document the projects and items in next week's staff meeting					
Land Use Planning Department						
Playground Shade Structure	Emily K.					Working to get through the Prince William County Building Department regarding Quality Control for our building permit. I will be visiting the Building Department next week to assist in expediting the response. UPDATE: Shade Canopy was removed prior to impending snow storm
Site Plan Reviews	Emily K. and Katie					Working with Engineer on the site plan review updates, we will be meeting next week to share materials and updates ... Plans include CVC Revisions, Lidl, Taco Bell, Robinson Paradise
Discussion with Igor Levine	Emily K.					Discussed with Igor Levine the outstanding items for the Crossroads Village Project and the next steps.
Deposition	Emily K.					Attended my Deposition at Mr. Crim's Office on January 14th
Meeting with Connor Leake, Zissios Family	Emily K.					Emily K. met with Connor Leake and the Zissios to discuss a pre application for two COAs for demolition of the firehouse and bungalow structures
Finance Department						
Entering checks	Emily H.					Emily H. entered bills and checks in Quickbooks, reconciled Square Transactions
Lease (Ruben Pillay)	Roberto					Sent lease to the Town Attorney for review
Business License Applications for 2022	Emily H. and Roberto					Lables for all 154 In-Town Businesses have been made in preporation of sending the Business License Applications for 2022 in the next couple of weeks.
Lease	Roberto/Emily K.					Working with Emily K. on the lease questions from the potential tenant. Will be sending over information early next week

Attachment: Weekly Report 011422 ELK (5409 : Town Administration Report)

ARPA Guidelines	Roberto/Emily K.					requestd approval to forward final guidelines to Town Attorney to assist with interpetation of guidelines as they are not are constraint as the CARES Act guidelines
FY2023 Budget	Roberto					Beginning stages of preparing for FY2023 budget
Office of the Clerk						
Meeting Minutes	Kim	Ongoing				I started on the January 10th minutes.
Meeting Agendas	Kim					Prepared and sent out Planning Commission and ARB agendas for next weeks meeting
Town Council Work Session Agenda	Kim					Status : Started on the January 31st Work session agenda. Please provide any items for the agenda by 1/24 so that they can be added.
DMV Select						
Routine Services	Dolores/Kim					In preparation of the upcoming snow storm this weekend and with Dolores being out of the office until January 31st, I have adjusted the scheduling on our booking page. David Showers from headquarters will be in the office on Wednesday morning. It is DMV procedure that they do a total inventory when the Town Manager or those authorized to sign the contract. This will be the inventory taken for the departure of Mr. Coon.
Maintenance Department						
Snow Removal	Matt took care of standing trash duties, preparation for snow removal, supervising removal of the shade structure					
Staff						
Social Media Posting	Emily K. and Emily H.	Ongoing				Emily H. scheduled 12 Facebook posts, 10 supprting In-Town Businesses, one for closure alert and remembrance for Martin Luther King Day, and one for National Gift Card Day to promote spending giftcards In-Town.
Ornament Sales	Emily K. and Emily H.	Ongoing				The Town is working with Haymarket Coffee and Cupcake Heaven to sell ornaments at their locations (as well as Town Hall). We will be reconciling the ornament sales next week and updating Council on the 2021 ornament success.
Newsletter	Emily K. and Emily H.			1/14/2022		Working on the updates to the January Newsletter, hoping to finalize all edits, printing, folding and mailing by January 14th
Lease	Roberto and Emily K.					Showed space over Copper Cricket to potential new tenant
New/Old Business Updates						
Upcoming Schedules -- Leave/Vacation/Time Out of Office						

Attachment: Weekly Report 011422 ELK (5409 : Town Administration Report)

Dolores Goodall	Dolores will be out of the office from January 18th through January 28th, for her daughter's surgery
Kim Henry	Regular Schedule, Office Closed 1/17
Roberto Gonzalez	Regular Schedule, Office Closed 1/17
Emily Huffman	Regular T, W, Th days
Emily Lockhart	Regular Schedule, Office Closed 1/17
Matt Burrows	Regular W, F days



Town of Haymarket Work Tracker (Updated 1/21/2022)						
Task	Assigned to	Date Task Started	Work Items Required	Anticipated End Date:	Actual End Date:	Comments:
Office of the Town Manager						
Transition Updates	Staff					Status: Good. Jerry Schiro was in this week on 1/20 to meet with the Staff and Finance Committee. Jerry is assisting staff with review of the personnel policy and providing recommendations for updates.
Snow Response						Following the snow earlier in the week -- we contracted Premier Turf and Landscaping to clear the sidewalks. The response was well received and recognized by many in the community
Acting Town Manager Update	Worked with Staff on 1/19 to hold a Staff Meeting and update the work items board (white board in Emily K.'s office) All open items and tasks are assigned and updates provided weekly at our Staff Meetings.					
Land Use Planning Department						
Playground Shade Structure	Emily K.					I have identified the appropriate Dept and Individual to contact. I will be contacting Mrs. Spittle first thing Monday 1/24 for assistance on the building permit.
Site Plan Reviews	Emily K. and Katie					Working with Engineer on the site plan review updates, we will be meeting next week to share materials and updates ... Plans include CVC Revisions, Lidl, Taco Bell, Robinson Paradise
Planning Commission Meeting	Emily K. and Kim					The Planning Commission met on 1/18 for our regular monthly meeting. We discussed the Comprehensive Plan Survey and One Mile Review comments for Robinson Manor
Architectural Review Board	Emily K and Kim					The Architectural Review Board met on 1/19 for our regular monthly meeting. We had one sign application for a Pup's Valley (formerly A Dog's Day Out, same owners new branding)
RFP for Sidewalk	Emily K					I will be discussing with Katie on Monday 1/24 the RFP (review and pros/cons of Design Build) Following a discussion with the finance committee on 1/20
Discussion with Igor Levine	Emily K.					Working with Igor Levine on the bonding documents for Crossroads Village Center
Finance Department						
Entering checks	Emily H.					Emily H. entered bills and checks in QuickBooks, reconciled Square Transactions
Lease (Ruben Pillay)	Roberto					Finalizing lease agreement to send out to tenant
Business License Applications for 2022	Emily H. and Roberto					Labels for all 154 In-Town Businesses have been made in preparation of sending the Business License Applications for 2022 in the next couple of weeks.

Attachment: Weekly Report 012122 ELK (5409 : Town Administration Report)

Annual Property Appraisal						Met with Appraiser for the Town's annual property appraisal to determine the General Liability co:
TOT Form	Roberto					Created a Transient Tax form for the use of the Hotel to submit TOT tax; Town Attorney is reviewing form
Lease	Roberto/Emily K.					Working with Emily K. on the lease questions from the potential tenant. Will be sending over information early next week
ARPA Guidelines	Roberto/Emily K.					Attending meeting with VGFOA committee to discuss final guidelines with ARPA funds; updated Finance Committee and will address matter at Town Council Work Session
FY2023 Budget	Roberto					Beginning stages of preparing for FY2023 budget
Office of the Clerk						
Meeting Minutes	Kim					Finished the January 10 Town Council minutes. All approved minutes from Council, Planning Commission and ARB are signed and will upload onto the website next week
Meeting Agendas	Kim					Attended Planning Commission and ARB meeting. Starting to prepare the minutes from those meetings.
Town Council Work Session Agenda	Kim					Status : Started on the January 31st Work session agenda. Please provide any items for the agenda by 1/24 so that they can be added. Provided old resolution for Councilman Weir to prepare a resolution at 2/1 meeting.
DMV Select						
Routine Services	Dolores/Kim					David Showers from headquarters came to do the exit/beginning inventory from Mr. Coon. Mayo Luersen signed the amended contract. All inventory was successfully completed. Business was slow I accepted a few walk-ins that was beneficial to the revenue. We seem to be right on track with the budgeted projections.
Maintenance Department						
Maintenance Department	Matt took care of standing trash duties, work tasks inside Town Hall and general upkeep outside					
Staff						
Social Media Posting	Emily K. and Emily H.	Ongoing				Emily H. scheduled 9 Facebook posts, 8 supporting In-Town Businesses, one remembrance for Martin Luther King Day. Facebook stories have been active this week and there have been two businessowners to come forward appreciating the social media posts. Emily K has been sharing stories on Facebook (approximately 8-10) to engage users in a different format than normal. We will continue to track the data weekly

Attachment: Weekly Report 012122 ELK (5409 : Town Administration Report)

Ornament Sales	Emily K. and Emily H.	Ongoing				The Town is working with Haymarket Coffee and Cupcake Heaven to sell ornaments at their locations (as well as Town Hall). We will be reconciling the ornament sales next week and updating Council on the 2021 ornament success.
Newsletter	Emily K. and Emily H.			1/14/2022		Working on the updates to the January Newsletter, hoping to finalize all edits, printing, folding and mailing by January 14th
Lease	Roberto and Emily K.					Showed space over Copper Cricket to potential new tenant

New/Old Business Updates

Upcoming Schedules -- Leave/Vacation/Time Out of Office

Dolores Goodall	Dolores will be out of the office from January 18th through January 28th, for her daughter's surgery
Kim Henry	Regular Schedule
Roberto Gonzalez	Regular Schedule
Emily Huffman	Regular T, W, Th days
Emily Lockhart	Regular Schedule
Matt Burrows	Regular M, W, F days



Town of Haymarket Work Tracker (Updated 1/27/2022)

Task	Assigned to	Date Task Started	Work Items Required	Anticipated End Date:	Actual End Date:	Comments:
Office of the Town Manager						
Transition Updates	Staff					Status: Good. Jerry Schiro was in this week on 1/26 to meet with myself and the Mayor. We had a productive meeting to discuss setting a priority schedule
Snow Response						Snow is currently falling (Friday and into Saturday) the sidewalks and the Town lots have been pretreated by Premier
Acting Town Manager Update	Worked with Staff on 1/25 to hold a Staff Meeting and update the work items board (white board in Emily K.'s office) All open items and tasks are assigned and updates provided weekly at our Staff Meetings. Work Session Agenda is scheduled and new work items for Feb's WS are being added					
Land Use Planning Department						
Playground Shade Structure	Emily K.					I will be resubmitting the documents to the County once properly bookmarked and updated
Site Plan Reviews	Emily K. and Katie					Working with Engineer on the site plan review updates, we will be meeting next week to share materials and updates ... Plans include CVC Revisions, Lidl, Taco Bell, Robinson Paradise
RFP for Sidewalk	Emily K					I will be presenting an update to Council on 1/31 with the Town Engineer's Recommendation and work with Council on the timeline for sending out docs.
Plat for Robinson Village	Emily K & M Crim					Worked with Martin on the review of the Robinson Village plat, awaiting a resubmission
Discussion with Igor Levine	Emily K.					Working with Igor Levine on the bonding documents for Crossroads Village Center
Finance Department						
Entering checks	Emily H.					Emily H. entered bills and checks in QuickBooks, reconciled Square Transactions
Lease (Ruben Pillay)	Roberto					Received tenant signed lease, will send to Attorney for signature
Business License Applications for 2022	Emily H. and Roberto					Labels and Applications for all 154 In-Town Businesses have been made in preparation of sending the Business License Applications for 2022 in the next couple of weeks.
Annual Property Appraisal						Met with Appraiser for the Town's annual property appraisal to determine the General Liability co

Attachment: Weekly Report 012822 ELK (5409 : Town Administration Report)

TOT Form	Roberto					Created a Transient Tax form for the use of the Hotel to submit TOT tax; Town Attorney is reviewing form
Lease	Roberto/Emily K.					Working with Emily K. on the lease questions from the potential tenant. Will be sending over information early next week
ARPA Guidelines	Roberto/Emily K.					Attending meeting with VGFOA committee to discuss final guidelines with ARPA funds; updated Finance Committee and will address matter at Town Council Work Session
FY2023 Budget	Roberto					Beginning stages of preparing for FY2023 budget
Office of the Clerk						
Meeting Minutes	Kim					Started Planning Commission minutes from January 18th meeting
Meeting Agendas	Kim					Started draft of February 7 regular meeting agenda
Town Council Work Session Agenda	Kim					Status : Finished, sent and published the January 31st Work session agenda.
DMV Select						
Routine Services	Dolores/Kim					With Dolores still on medical leave, I worked DMV appointments this week. Business has been slow once again. We are starting to look at business cards with our QR code on it and started discussing distributing these to service stations and area businesses. I was able to take a few walk in appointments that may help spread the word within the community
Maintenance Department						
Maintenance Department	Matt took care of standing trash duties, work tasks inside Town Hall and general upkeep outside					
Staff						
Social Media Posting	Emily K. and Emily H.	Ongoing				Emily H. scheduled one Facebook post to post everyday this week totaling 7 posts this week- 6 In-Town and 1 to support Haymarket Day. Facebook stories have been active this week. Emily K has been sharing stories on Facebook (approximately 8-10) to engage users in a different format than normal. We will continue to track the data weekly
Ornament Sales	Emily K. and Emily H.	Ongoing				The Town is working with Haymarket Coffee and Cupcake Heaven to sell ornaments at their locations (as well as Town Hall). We will be reconciling the ornament sales next week and updating Council on the 2021 ornament success.

Attachment: Weekly Report 012822 ELK (5409 : Town Administration Report)

Newsletter	Emily K. and Emily H.			1/14/2022		Working on the updates to the January Newsletter -- delayed review because of other priorities
Lease	Roberto and Emily K.					Showed space over Copper Cricket to potential new tenant

New/Old Business Updates

Upcoming Schedules -- Leave/Vacation/Time Out of Office

Dolores Goodall	Dolores will be returning on 2/1					
Kim Henry	Regular Schedule					
Roberto Gonzalez	Regular Schedule					
Emily Huffman	Regular T, W, Th days					
Emily Lockhart	Regular Schedule					
Matt Burrows	Regular M, W, F days					





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

Roberto Gonzalez
Town Treasurer

TREASURER'S REPORT
TOWN COUNCIL REGULAR MEETING
February 07, 2022

Highlights:

- The financials attached are as of February 02, 2022.
- Met with Finance Committee and discussed current budget.
- Received the final guideline rulings for ARP funds
- Prepared BPOL applications and prepare to mail
- Began to work on renewal paper work for VRSA and Anthem in order to get renewal annual renewal rates for next years budget
- Began to work on FY2023 draft budget to present to Council

Attachment: Treasurer Report Financials for 02.07.2022 (5410 : Treasurer's Report)

Actuals To-Date vs Budget
As of 02.02.2022

7.B.2.a

	Actuals	Budget	% of Budget	Comments
Income				
3110 · GENERAL PROPERTY TAXES				
3110-01 · Real Estate - Current	366,302.04	371,903.00	98.5%	Real estate invoices have been mailed out for 2021
3110-02 · Public Service Corp RE Tax	13,493.59	13,114.00	102.9%	Real estate invoices have been mailed out for 2022
3110-03 · Interest - All Property Taxes	445.78	0.00	100.0%	
3110-04 · Penalties - All Property Taxes	167.00	1,000.00	16.7%	
Total 3110 · GENERAL PROPERTY TAXES	380,408.41	386,017.00	98.5%	
3120 · OTHER LOCAL TAXES				
3120-00 · Transient Occupancy Tax	0.00	1,000.00	0.0%	
3120-01 · Bank Stock Tax	0.00	25,000.00	0.0%	
3120-02 · Business License Tax	9,385.43	200,000.00	4.7%	
3120-03 · Cigarette Tax	82,675.28	125,000.00	66.1%	collection up to January 31, 2022
3120-04 · Consumer Utility Tax	78,227.64	158,000.00	49.5%	collection up to November 30, 2021
3120-05 · Meals Tax - Current	491,088.99	875,000.00	56.1%	collection up to December 31, 2021
3120-06 · Sales Tax Receipts	56,126.63	145,000.00	38.7%	collection up to October 31, 2021
3120-07 · Penalties (Non-Property)	4,445.07	0.00	100.0%	
3120-08 · Interest (Non-Property)	326.90	0.00	100.0%	
Total 3120 · OTHER LOCAL TAXES	722,275.94	1,529,000.00	47.2%	
3130 · PERMITS,FEES & LICENSESES				
3130-01 · Application Fees	4,595.00	2,500.00	183.8%	
3130-03 · Motor Vehicle Licenses	420.00	1,000.00	42.0%	
3130-05 · Other Planning & Permits	2,425.00	25,000.00	9.7%	
3130-06 · Pass Through Fees	11,320.00	0.00	100.0%	Cost are passed on to developer/contractor
Total 3130 · PERMITS,FEES & LICENSESES	18,760.00	28,500.00	65.8%	
3140 · FINES & FORFEITURES				
3140-01 · Fines	11,886.93	60,000.00	19.8%	collections up to January 31, 2022
Total 3140 · FINES & FORFEITURES	11,886.93	60,000.00	19.8%	
3150 · REVENUE - USE OF MONEY				
3150-01 · Earnings on VACO/VML Investment	-1,715.54	1,500.00	-114.4%	
3150-03 · Interest on Bank Deposits	3,646.59	1,500.00	243.1%	
Total 3150 · REVENUE - USE OF MONEY	1,931.05	3,000.00	64.4%	
3151 · RENTAL (USE OF PROPERTY)				
3151-02 · 15026 Suite 210 Body Mind	4,165.17	4,736.00	87.9%	
3151-04 · Suite 210 B&B Security (LF Security)	4,789.70	9,660.00	49.6%	Revenue lessen due to moving to smaller space within building
3151-06 · Suite 204 MAC-ISA	4,592.00	6,720.00	68.3%	
3151-07 · Haymarket Church Suite 206	23,051.20	34,577.00	66.7%	
3151-08 · 15020 Washington Realty	24,637.45	40,316.00	61.1%	
3151-09 · 15026 Copper Cricket	14,743.04	22,114.00	66.7%	
3151-11 · Cupcake Heaven and Cafe LLC	19,567.63	34,765.00	56.3%	
3151-12 · Haymarket Coffee Company LLC	8,550.00	5,460.00	156.6%	
Total 3151 · RENTAL (USE OF PROPERTY)	104,096.19	158,348.00	65.7%	
3160 · CHARGES FOR SERVICES				
FOIA Receipts	291.19			new FOIA charges
Total 3160 · CHARGES FOR SERVICES	291.19			
3165 · REVENUE - TOWN EVENTS				
3165-01 · Town Event	65,388.00	50,000.00	130.8%	
3165-02 · Farmer's Market	10.00	0.00	100.0%	
3165-03 · Town Ornaments	5,215.00	0.00	100.0%	
Total 3165 · REVENUE - TOWN EVENTS	70,613.00	50,000.00	141.2%	
3180 · MISCELLANEOUS				
3180-00 · Convenience Fee	-37.63	0.00	100.0%	

Attachment: Treasurer Report Financials for 02.07.2022 (5410 : Treasurer's Report)

Actuals To-Date vs Budget
As of 02.02.2022

3180-04 · Reimbursement from Insurance	10,942.99	4,724.00	231.6%	Reimbursement from Insurance for PD vehicles
3180 · MISCELANIEOUS - Other	12.33	0.00	100.0%	Reimbursement from DMV for postage
Total 3180 · MISCELLANEOUS	10,917.69	4,724.00	231.1%	
3200 · REVENUE FROM COMMONWEALTH				
3200-02 · 599 Law Enforcement Grant	15,776.00	31,548.00	50.0%	
3200-04 · Car Rental Reimbursement	52.73			
3200-05 · Communications Tax	30,651.16	103,165.00	29.7%	collections up to November 30, 2021
3200-11 · Personal Property Tax Reimburse	18,626.97	18,627.00	100.0%	
3200-12 · Railroad Rolling Stock	1,278.82	1,500.00	85.3%	
3200-16 · DMV Select Commission	34,179.95	60,500.00	56.5%	collections up to December 31, 2021
Total 3200 · REVENUE FROM COMMONWEALTH	100,565.63	215,340.00	46.7%	
3500 · Reserve Funds	0.00	59,200.00	0.0%	
4000 · Carry-Over Surplus	0.00	246,000.00	0.0%	
	1,421,746.03	2,740,129.00	51.9%	
Total Income	1,421,746.03	2,740,129.00	51.9%	
Expense				
01 · ADMINISTRATION				
11100 · TOWN COUNCIL				
111001 · Convention & Education	424.00	2,500.00	17.0%	
111002 · FICA/Medicare	793.25	2,000.00	39.7%	
111003 · Meals and Lodging	74.67	1,000.00	7.5%	
111004 · Mileage Allowance	0.00	250.00	0.0%	
111005 · Salaries & Wages - Regular	10,689.29	26,000.00	41.1%	
111006 · Town Elections	0.00	3,000.00	0.0%	
Total 11100 · TOWN COUNCIL	11,981.21	34,750.00	34.5%	
12110 · TOWN ADMINISTRATION				
1211001 · Salaries/Wages-Regular	196,589.92	322,630.00	60.9%	
1211002 · Salaries & Wages - DMV Clerk	23,341.13	44,500.00	52.5%	
1211003 · Salaries/Wages - Part Time	16,242.30	43,800.00	37.1%	
1211004 · FICA/Medicare	17,787.44	30,381.00	58.5%	
1211005 · VRS	24,053.63	48,545.00	49.5%	
1211006 · Health Insurance	23,408.00	64,134.00	36.5%	
1211007 · Life Insurance	2,782.33	4,685.00	59.4%	
1211008 · Disability Insurance	1,338.56	2,631.00	50.9%	
1211009 · Unemployment Insurance	5,523.77	4,240.00	130.3%	
1211010 · Worker's Compensation	263.00	300.00	87.7%	Front loaded cost to Town
1211011 · Gen Property/Liability Ins.	16,237.00	17,131.00	94.8%	Front loaded cost to Town
1211012 · Accounting Services	4,317.75	8,000.00	54.0%	
1211014 · Printing & Binding	2,276.79	8,298.00	27.4%	
1211015 · Advertising	4,590.43	9,000.00	51.0%	
1211016 · Computer, Internet &Website Svc	5,661.00	23,650.00	23.9%	
1211017 · Postage	692.80	4,000.00	17.3%	
1211018 · Telecommunications	2,808.21	7,500.00	37.4%	
1211019 · Mileage Allowance	126.00	1,000.00	12.6%	
1211020 · Meals & Lodging	440.44	2,000.00	22.0%	
1211021 · Convention & Education	0.00	6,000.00	0.0%	
1211022 · Miscellaneous	1,744.66	2,000.00	87.2%	
1211024 · Books, Dues & Subscriptions	11,258.03	16,000.00	70.4%	
1211025 · Office Supplies	2,957.32	6,500.00	45.5%	
1211026 · Equipment Rental	2,189.91	4,075.00	53.7%	
1211030 · Capital Outlay-Machinery/Equip	0.00	5,000.00	0.0%	
Total 12110 · TOWN ADMINISTRATION	366,630.42	686,000.00	53.4%	
12210 · LEGAL SERVICES				
1221001 · Legal Services	39,792.85	70,000.00	56.8%	services up to December 31, 2021
Total 12210 · LEGAL SERVICES	39,792.85	70,000.00	56.8%	
12240 · INDEPENDENT AUDITOR				
1224001 · Auditing Services	0.00	16,000.00	0.0%	
Total 12240 · INDEPENDENT AUDITOR	0.00	16,000.00	0.0%	
Total 01 · ADMINISTRATION	418,404.48	806,750.00	51.9%	

Actuals To-Date vs Budget
As of 02.02.2022

03 · PUBLIC SAFETY

31100 · POLICE DEPARTMENT

3110001 · Salaries & Wages - Regular	218,762.73	425,000.00	51.5%
3110003 · Salaries & Wages - OT Premium	8,528.13	20,000.00	42.6%
3110013 · Salaries & Wages - OT Select En	4,266.64	10,000.00	42.7%
3110004 · Salaries & Wages - Holiday Pay	14,320.55	14,000.00	102.3%
3110005 · Salaries & Wages - Part Time	24,240.71	18,720.00	129.5%
3110011 · Salaries & Wages - Recruit. Bonus	642.86	1,000.00	64.3%
3110020 · FICA/MEDICARE	20,608.99	36,724.00	56.1%
3110021 · VRS	23,173.16	46,102.00	50.3%
3110022 · Health Insurance	33,685.40	80,752.00	41.7%
3110023 · Life Insurance	5,245.44	5,717.00	91.8%
3110024 · Disability Insurance	850.15	2,200.00	38.6%
3110025 · Unemployment Insurance	3,274.94	3,000.00	109.2%
3110026 · Workers' Compensation Insurance	23,809.00	22,942.00	103.8%
3110027 · Line of Duty Act Insurance	4,705.00	4,800.00	98.0%
3110028 · Legal Services	12,600.00	26,000.00	48.5%
3110032 · Computer, Internet & Website	2,066.19	11,000.00	18.8%
3110033 · Postage	8.55	100.00	8.6%
3110034 · Telecommunications	5,761.98	10,000.00	57.6%
3110035 · General Prop Ins (Vehicles)	3,420.00	3,800.00	90.0%
3110038 · Convention & Edu. (Training)	1,945.16	10,000.00	19.5%
3110040 · Annual Dues & Subscriptions	11,750.50	13,000.00	90.4%
3110041 · Office Supplies	2,010.57	5,000.00	40.2%
3110042 · Vehicle Fuels	11,649.64	16,000.00	72.8%
3110043 · Vehicle Maintenance/Supplies	6,220.35	11,000.00	56.5%
3110045 · Uniforms & Police Supplies	11,824.27	20,000.00	59.1%
3110056 · Capital Outlay-Machinery/Equip	15,796.19	31,592.00	50.0%
Total 31100 · POLICE DEPARTMENT	471,167.10	848,449.00	55.5%

WC audit has been completed; will address in next amendment

Front loaded cost to Town

Front loaded cost to Town

1 of 2 payments for the year

32100 · FIRE & RESCUE

3210001 · Contributions to other Govt Ent	59,084.41	59,200.00	99.8%
	59,084.41	59,200.00	99.8%

Total 03 · PUBLIC SAFETY

530,251.51 907,649.00 58.4%

04 · PUBLIC WORKS

4110002 · Street Beautification - HF	0.00	2,213.00	0.0%
4110003 · E & S Inspections	0.00	5,000.00	0.0%

43200 · REFUSE COLLECTION

4320001 · Trash Removal Contract	60,324.66	90,090.00	67.0%
Total 43200 · REFUSE COLLECTION	60,324.66	90,090.00	67.0%

services up to January 31, 2022

43100 · MAINT OF 15000 Wash St./Grounds

4310001 · Repairs/Maintenance Services	42,935.89	97,672.00	44.0%
4310002 · Maint Svc Contract-Pest Control	465.00	3,000.00	15.5%
4310003 · Maint Svc Contract-Landscaping	21,680.35	35,000.00	61.9%
4310004 · Maint Svc Contract Snow Removal	3,082.00	7,000.00	44.0%
4310005 · Maint Svc Cont- Street Cleaning	1,280.00	2,000.00	64.0%
4310007 · Electric/Gas Services	9,599.71	16,500.00	58.2%
4310008 · Electrical Services-Streetlight	2,445.81	5,500.00	44.5%
4310009 · Water & Sewer Services	1,658.04	3,000.00	55.3%
4310010 · Janitorial Supplies	0.00	2,000.00	0.0%
4310011 · Real Estate Taxes	674.62	2,500.00	27.0%
Total 43100 · MAINT OF 15000 Wash St./Grounds	83,821.42	174,172.00	48.1%

Total 04 · PUBLIC WORKS

144,146.08 271,475.00 53.1%

06 · ECONOMIC DEVELOPMENT

60000 · Tourism/Traveling Marketing	0.00	430.00	0.0%
60003 · Advertising	0.00	22,000.00	0.0%
Total 06 · ECONOMIC DEVELOPMENT	0.00	22,430.00	0.0%

07 · PARKS, REC & CULTURAL

70000 · HAYMARKET COMMUNITY PARK	10,458.37	20,000.00	52.3%
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7000001 · Grounds Maintenance/Repairs

Total 71110 · EVENTS

71110 · EVENTS

Actuals To-Date vs Budget
As of 02.02.2022

7111001 · Advertising - Events	6,488.96	5,000.00	129.8%
7111003 · Contractural Services	41,965.13	30,000.00	139.9%
7111004 · Events - Other	7,250.02	19,350.00	37.5%
Total 71110 · EVENTS	55,704.11	54,350.00	102.5%
72200 · MUSEUM			
7220009 · Advertising	0.00	750.00	0.0%
7220012 · Telecommunications	969.26	2,200.00	44.1%
7200015 · Books, Dues & Subscriptions	0.00	250.00	0.0%
7200016 · Office Supplies	0.00	250.00	0.0%
7220018 · Exhibits & Programs	400.00	1,700.00	23.5%
Total 72200 · MUSEUM	1,369.26	5,150.00	26.6%
Total 07 · PARKS, REC & CULTURAL	67,531.74	79,500.00	84.9%
08 · COMMUNITY DEVELOPMENT			
81100 · PLANNING COMMISSION			
8110001 · Salaries & Wages - Regular	1,635.00	5,670.00	28.8%
8110002 · FICA/Medicare	117.43	500.00	23.5%
8110003 · Consultants - Engineer	3,532.07	15,000.00	23.5%
8110004 · Consultants - Comp Plan	0.00	15,000.00	0.0%
8110005 · Mileage Allowance	0.00	250.00	0.0%
8110006 · Meals & Lodging	0.00	700.00	0.0%
8110007 · Convention/Education	0.00	2,000.00	0.0%
8110009 · Engineer - Pass Through	12,226.25	0.00	100.0%
Total 81100 · PLANNING COMMISSION	17,510.75	39,120.00	44.8%
81110 · ARCHITECTURAL REVIEW BOARD			
8111001 · Salaries & Wages - Regular	1,335.00	5,830.00	22.9%
8111002 · FICA/Medicare	102.13	446.00	22.9%
8111005 · Convention & Education	0.00	500.00	0.0%
Total 81110 · ARCHITECTURAL REVIEW BOARD	1,437.13	6,776.00	21.2%
81111 · Board Of Zoning Appeals			
8111101 · Convention & Education	0.00	1,500.00	0.0%
8111102 · FICA / Medicare	0.00	102.00	0.0%
8111103 · Salaries & Wages - Regular	0.00	1,325.00	0.0%
Total 81111 · Board Of Zoning Appeals	0.00	2,927.00	0.0%
Total 08 · COMMUNITY DEVELOPMENT	18,947.88	48,823.00	38.8%
09 · NON-DEPARTMENTAL			
95100 · DEBT SERVICE			
9510002 · General Obligation Bond - Prin	158,000.00	159,500.00	99.1%
9510003 · General Obligation Bond - Int	12,383.17	12,425.00	99.7%
Total 95100 · DEBT SERVICE	170,383.17	171,925.00	99.1%
Total 09 · NON-DEPARTMENTAL	170,383.17	171,925.00	99.1%
94104 · Street Scape - Park Sidewalk			
9410401 · Architectural/Engineering Fees	5,682.50	150,000.00	3.8%
Total 94104 · Street Scape - Park Sidewalk	5,682.50	150,000.00	3.8%
EMPLOYEE BENEFITS			
6560 · Payroll Processing Fees	-0.01		
Total EMPLOYEE BENEFITS	-0.01		
Total 94105 · PERSONNEL	-0.01		
94106 · TOWN CENTER MASTER PLAN			
9416701 · Architectural/Engineering Fees	0.00	95,000.00	0.0%
Total 94106 · TOWN CENTER MASTER PLAN	0.00	95,000.00	0.0%
94107 · BLIGHT MITIGATION			
9410701 · Building Official/Engr.	0.00	40,000.00	0.0%
Total 94107 · BLIGHT MITIGATION	0.00	40,000.00	0.0%
94108 · Capital Improvment Funds Expens	20,800.00	146,577.00	14.2%
Total Expense	1,376,147.35	2,740,129.00	50.2%
Net Ordinary Income	45,598.68	0.00	100.0%
Other Income/Expense			
Other Income			
50000 · CARES Act Funds	68,458.12	68,814.00	99.5%

Front loaded cost to Town
Front loaded cost to Town

RFP intial cost of engineering

Attachment: Treasurer Report Financials for 02.07.2022 (5410 : Treasurer's Report)

Actuals To-Date vs Budget
As of 02.02.2022

50001 - American Rescue Plan Funds	869,439.00	1,738,878.00	
Total Other Income	937,897.12	1,807,692.00	51.9%
Other Expense			
97000 - CARES Act Expenses	68,814.00	68,814.00	100.0%
	4,254.27	1,738,878.00	0.2%
Total Other Expense	73,068.27	1,807,692.00	4.0%
Net Other Income	864,828.85	0.00	100.0%
Net Income	910,427.53	0.00	100.0%

Funds will be tracks separately from operational budget, will be appropriated in 1st Qt amendment

The Town has exhausted the CARES Act funds
Some funds were needed to complete the Shoppe Small program

Police Department Report to Council

Police Department Activity from December 15, 2021 to January 14, 2022

Important Notes:

- This report allows you to see the actual coverage and reporting of calls done by the Police Department.

Dispatched Calls: Calls received from Prince William County Dispatch. These calls are broken down into two categories Reportable and Non-Reportable.

- Reportable Calls: 3
- Non-Reportable Calls: 27

Flag Downs/Phone Calls: Calls that are generated by a citizen (waving us down or calling the station). These calls are broken down into three categories Reportable, Non-Reportable, and Referred to County/State.

- Reportable Calls: 0
- Non-Reportable Calls: 53
- Referred to County/State: 1 (phone calls in to the office are no longer counted)

Self-Initiated Calls: Calls that are based on the officer’s own observations. There are 4 categories: Reportable, Non-Reportable, Foot Patrols, and Traffic Stops.

- Reportable Calls: 2
 - 1 of which resulted in an arrest for DUI
- Non-Reportable Calls: 584
- Foot Patrols: 132
- Traffic Stops: 87
 - Summonses 41
 - Warnings 54
 - Please Note: Warnings and summonses may not equal the amount of traffic stops, because officers can give multiple warnings or summonses on one stop.

Business Checks: These calls are accounted for in three different categories. Those categories are personal contact (where the officer speaks to customers/employees), physical door and window checks (usually at night when the officer gets out of their vehicle and checks the building, and drive by business checks (when the officer takes approximately 5-10 seconds and slowly drives by the building and visually inspects the building).

- Personal Contact: 465
- Physical Check: 478
- Drive By: 3,324

Attachment: Police Department Report to Council 12-15-21 thru 01-14-22 v2 (5421 : Police Department Report)

Out of Town Activity: Calls that occur when the officer leaves the Town. There are two categories here: Backing up county (provide a back-up unit for Prince William County or State Police) and other (court, magistrate office, training, etc.)

- Back Up: 14 (all calls averaged on scene between 10-15 minutes)
- Other: 14 (Court, Paperwork Delivery to Court House and follow ups to cases)

Status of Current Projects:

- Officer Finley attended a class on Active Shooter Response Instructor School. This class covers both Law Enforcement and Civilian aspects, and he is looking forward to putting trainings together for our department as well as businesses in town.
- Training: The department completed range qualifications.
- On December 21 Officer Burgoon came upon a subject who was injured and wanted to report an assault/robbery. He was able to get the person the much-needed medical attention and he was able to investigate this thoroughly. His actions represented this department perfectly.
- Operation Santa was a great success. Officer Finley, Fleet Manager Milstead, Sgt. Davis, and Chief Sibert had a great time escorting Santa all over town and speaking to our great residents.
- Sgt. Davis and Chief Sibert covered shifts due to staff shortages. These shortages were due to family emergencies and COVID issues.
- Departmental Server is in the process of being installed in the office and will be fully operational by the end of January.
- Chief Sibert is currently updating General Orders and is moving forward with accreditation.
- The Haymarket Police Department has been awarded a DCJS Byrne Grant in the amount of \$1547.00. We are in the process of completing the required paperwork.

Community Engagement:

- Operation Santa Claus took place on December 18, 2021. This event entailed hauling Santa Claus through the streets of Haymarket while handing out gifts to the local youth. The event was very well received. Over 200 gift bags were handed out during the event. Sgt. Davis, Officer Finley, and Police Volunteer Lonnie Milstead assisted with the program. We are planning to make this an annual event.
- Chief Sibert is currently working with Kim Golanski at UVA Community Health to set up a blood drive to take place soon. This blood drive will not only incorporate UVA Health and the Red Cross, but we also plan to partner with other first responders and local businesses. Chief Sibert is coordinating efforts with Acting Town Manager Emily Kyriazi.

Town Planner Task List January 2021

Task	Street Name/Project Name	Assigned To:	Date Task Started:	Action Needed By:	Anticipated End Date:	Actual End Date:	Comments:
Architectural Review Board							
A Pup's Valley	6680 Fayette Street	Emily		Decision by the ARB	19-Jan	19-Jan	(Formerly A Dog's Day Out) A Pup's Valley has applied for a new sign permit. The signs will replace the current A Dog's Day Out signs. The signs were approved by the ARB
Board of Zoning Appeals							
No appeal applications for the month of January							
Planning Commission							
Coffee SUP @ Crossroads Village Center	15150 Washington Street	Emily/Katie	Fall 2017		9/1/2018	May-19	The applicant submitted a new traffic table with numbers to the Town Council for the SUP discussion. The applicant decided against submitting the TIA as requested by Council, based on the traffic numbers generated over the holidays. The applicant gave an in depth reasoning at the TC Work Session on 1/31 -- video can be found on the Town website. The Town Council has scheduled the agenda item for the 2/7 meeting
Crossroads Village Center Subdivision Plat	15150 Washington Street	Emily/Katie	2/1/2022		3/1/2022		Applicant submitted subdivision plats for review. Working with the engineer and town attorney for review
Lidl @ Crossroads Village Center	15150 Washington Street	Emily/Katie					Applicant submitted the site plan for the Lidl at Crossroads Village Center. Comments were returned to the applicant on 2/1/2022. Awaiting a resubmission
Taco Ball Site Plan @ Crossroads Village Center	15150 Washington Street	Emily/Katie					Applicant submitted the site plan for the Taco Bell at Crossroads Village Center, preparing comments to return to the applicant by end of week, 2/11/2022
Haymarket Hotel	15001 Washington Street	Emily					Haymarket Hotel is projecting a 2/24 open date. They are working to submit their as built for the project Planner and Engineer working on preparing a conditional site approval release letter for the property to receive temporary occupancy.
Van Metre - SUP, Townhouses	14850 and 14860 Washington St	Emily/Katie					Applicant submitted bonds and agreements to the Town, Grading permit and letter issued. UPDATE: Van Metre is continuing the site work for the Robinson Village Development. Van Metre has applied to the building department for building permits.
Transform Power Yoga Site Plan	6700 Hunting Path Road	Emily/Katie					Expected resubmission early 2022
Robinson Paradise		Emily/Katie	Mar-21				Town preparing comments for the second submission of the Robinson Paradise site plan
McDonald's	6740 Lea Berry Way	Emily/Katie					Work is complete on the McDonald's. Awaiting an as built submission from the applicant
Karter School Site Plan	14850 Washington Street	Emily/Katie					Karter School Site Plan has been approved.

Attachment: Town Planner Report January 2022 (5412 : Town Planner Report)

Zoning Text Amendment	Working to upload the ZTA to Municode
Comprehensive Plan	Staff will work on a Comprehensive Plan draft to submit to the Planning Commission in 2022, following the Zoning Text Amendment.
Prince William County (1 Mile Review)	
No plans for January 2021	
Staff	
Pardo House, 14881 Washington St	All work has ceased, Town Planner will draft a plan for action to take to Council
Checklist & Forms	Staff working on updating the forms and checklists in tandem with the Zoning Text Amendment discussion
Events	Interviewed a candidate for the Events Coordinator position
Newsletter	Next Newsletter will be sent out for January 2022.
Museum	Museum will become vacant in Feb 2022. Town Planner will work with the Council to develop a plan for the next steps.
Farmers' Market	Farmers' Market Closed for the season
New/Old Business Updates	
Trouville Brewery has received zoning approval for the interior and exterior modifications at QBE, no estimated opening date at this time	
Zoning Violations and Property Maintenance Cases	
Property Maintenance Code Concern	Following an analysis of properties in Town, several concerns will be sent to the County Inspector for Property Maintenance Code issues. UPDATE: County inspected properties

Attachment: Town Planner Report January 2022 (5412 : Town Planner Report)

Task	Assigned To	Date Task Started	Last worked on	Action Needed By	Actual End Date	Comments
Active Projects						
Crossroads Village - Lidl	Katie/Emily	1/6/2022	1/24/2022	Town		-Draft engineering plan review comments complete 1/24. Waiting on overall bond clarification to issue
Robinson Village	Katie/Emily	8/13/2020	1/24/2022	Town		-Construction and Town E&S inspections ongoing -Bond reduction inspection 1/12. Approval coordination ongoing with Town Attorney -Pavement design submission expected
Haymarket Town Center Final Site Plan	Katie/Emily	9/8/2016	1/24/2022	RDA		-RDA provided copies of outside agency comments. -RDA to schedule meeting with VDOT and coordinate addressing comments withoutside agencies for resubmission to Town -Meter info to be provided -Kickoff meeting with RDA 1/24/22 to review design, changes and schedule. Plan submission expected 3/11/22
Crossroads Village	Katie/Emily	10/18/2018	1/19/2022	Applicant		-Construction and Town E&S inspections ongoing -Waiting on digital copy of Taco Bell site plan submission to review
Haymarket Hotel Venture, LLC Preliminary Site Plan	Katie/Emily	9/6/2019	1/12/2022	Applicant		-Town E&S inspections ongoing
McDonalds	Katie/Emily	2/12/2019	12/22/2021	Applicant		-Plan approval letter issued 6/29 -Construction nearly complete at E&S inspection 12/22
Robinson's Paradise	Katie/Emily	1/4/2021	12/9/2021	Applicant		-First submission engineering comments provided 5/28. DEQ comments received 9/10. - Second Submission comments provided 12/9
Karter School	Katie/Emily	8/20/2020	11/3/2021	Applicant		-Received inserts and recommend for approval 11/3. Bonds to be posted

Attachment: 2022-01 Jan Engineer's Reports_KMM (5413 : Town Engineer Report)

Task	Assigned To	Date Task Started	Last worked on	Action Needed By	Actual End Date	Comments
Active Projects						
QBE	Katie/Emily	1/20/2017	10/8/2021	Applicant		-Minor Site plan revision revision submitted on 9/27 to add a patio at the front of the business. Comments provided to Emily on 10/8
Park Sidewalk	Katie/Emily	4/27/2021	9/10/2021	Town		-CIP Projects scope discussed for installing curb and paving parking lot - cost estimate detail and report provided 6/24 -Met with VDOT Subject Matter Experts 8/31 to discuss questions on the Transportation Alternatives grant application for project -Exhibit for scope of work provided 9/10
Transform Power Yoga Site Plan	Katie/Emily	1/28/2021	8/23/2021	Applicant		-Resubmission received 6/21. Engineering comments provided 7/26 -Met with applicant to discuss comments 8/23
Low Activity Projects						
Morais - Aroma II	Katie/Emily	1/15/2019	9/25/2020	Applicant		-Plan approved 10/11/19. -Construction completed -Site inspection 5/22/20. -As built submitted for review 7/9/20. -As built comments provided 7/28. Comment review call ~9/28
Zupan Property Preliminary Site Plan	Katie/Emily	2/25/2020	3/4/2020	Applicant		-Engineering review comments provided 3/4/20
Jefferson/Fayette Street Site Plan	Katie/Emily	10/5/2018	5/14/2019	Applicant		-PC approved plans 1/19 contingent on staff approval of plans -Staff provided additional comments on second submission 4/10/19 -Applicant researching drainage info for VDOT approval

Attachment: 2022-01 Jan Engineer's Reports_KMM (5413 : Town Engineer Report)

Town Attorney Report

To: Mayor and Council, Town of Haymarket

From: Martin Crim, Town Attorney

Re: February 2022 Town Attorney Report

Date: February 1, 2022

NOT CONFIDENTIAL

This is a non-confidential report on matters that my office has been working on for the Town since my last report, November 30, 2021:

1. Because of the number of witnesses and volume of documents to be presented, as well as COVID-19 restrictions in the Circuit Court, the trial in the Bean case was continued to August 16, 17, and 18.
2. Together with the Town Treasurer, I prepared forms for submission of Transient Occupancy Tax returns under the proposed new ordinance.
3. I approved a bond release request for Robinson Village.

Attachment: February 2022 Town Attorney Report (5414 : Town Attorney Report)



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

To: Haymarket Town Council

From: Finance Liaisons

RE: Monthly Reporting

Date: February 7, 2022

MEMORANDUM

During the month of January the finance liaisons welcomed consultant Jerry Schiro. We continued financial oversight focusing on the following standing agenda items:

- Monitor, track, and review actuals versus budget on both the revenue and expense side of the ledger
- Comply with the internal control process of independent review and approval of all expenditures and check signing
- Discuss aligning budget line items with projections; future amendments
- Monitor guidelines for use and discuss the allocation of American Rescue Plan Act (ARPA) funds
- Discuss council ideas and recommendations raised during work session discussions or submitted for consideration
- Town park sidewalk RFP, Town Center site plan, Engineering/consultant support costs, as needed
- Chief Sibert presented on the following:
 - A five-year vehicle program for PD based on current policy, with goals of extending vehicle life cycle, optimizing fleet size and to project timing of replacements. The analysis is a work in progress/process (WIP)

- Acceptance and designation of LOLE funds (Federal \$\$ administered through DCJS); a reimbursement program for qualified expenses; discussed how to use the first tranche of \$1,547 and all agreed to offset the qualified expense for prosecutions. Additional monies expected in FY2023
- Maintenance vehicle use and repair costs; vehicle in-service and running well

New Items:

- Approved pre-treatment of sidewalks and parking lots due to impending storm
- Liaisons conducted the Treasurer's performance review, with input/feedback from Town Manager and Council. Will discuss results with council, as well as all staff reviews, at a future meeting
- Discussed pros and cons of design-build for the playground sidewalk. Will discuss at 1/31/22 work session

Staff and finance liaisons convene a weekly meeting, with a pro forma agenda, every Thursday @ 2 PM. The liaisons and/or the Treasurer and staff are available to discuss any comments, concerns, or suggestions you may have.

Respectfully submitted, Joe Pasanello and Bob Weir



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

To: Haymarket Town Council

From: Chris Morris, PD Liaison

Date: February 7, 2022

MEMORANDUM

GENERAL ORDERS

Continued work on updating these orders

NEW BUSINESS

Developing Safety Plans with new Hotel and HPD, PWFD, PWPD and VSP

VEHICLES

Working with Finance committee on finalizing numbers for 5-year vehicle plan

Taking over log of Maintenance truck

GRANTS

Working on Local Law Enforcement (LOLE) Grant program

PERSONNEL

Updating Personnel Policies Manual

Officers' Mandated Accreditation and DCJS Training

Attachment: Memo to Council PD Liaison 2722 (5405 : Police Liaison Report)



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

Vice Mayor TracyLynn Pater

MEMORANDUM

TO: Mayor and Town Council
FROM: Vice Mayor, TracyLynn Pater, Business and Community Liaison
DATE: February 3, 2022
SUBJECT: Council Report

This month’s Business and Community Interactions are outlined below;

- 1) **January Business Round Table** – We are looking to revamp the structure of the Business Roundtable to a quarterly event with additional monthly “meeting” access the first Tuesday of the month. I am working with Emily Kyriazi on the structure, planning and schedule for the Business Roundtable Meetings. We will host of first quarter Roundtable on March 8th, at the new Haymarket Hilton Hotel. We have booked two speakers for this event: the Hotel Owners and/or the Hotel Event Director and Clarice Grove, from PWC Economic Development. Clarice Grove is the Small Business Development Manager, she will discuss their new Restore Retail Grant Program.

The tentative Business Roundtable Schedule is as follows -
March 8th, June 7th, September 13th and December 13th.

Each meeting is at the closeout of the previous Quarter, so that we can reflect on the quarter and look ahead to the new one. Each meeting will also provide our business community with a scheduled professional speaker to discuss business resources.

** The December Meeting will be a Holiday Open House hosted at the Town Hall by Mayor, Council and Town Staff. We will be inviting our Business Community in for light refreshments, Town updates, holiday cheer and community networking.

Every second Tuesday of the month we will host special a Business Hour for the businesses to come meet with Vice Mayor and ask any questions they may have and share concerns. We will also utilize this time to do Business spotlights and share a few quick video clips on social media for that month’s business spotlight.

- 2) **Economic Development Consultants, Miles Friedman and Michelle Coe** – I met with Staff and our Economic Development Consultants, Miles and Michelle, on January 20th to discuss

Attachment: Business Liaison Report 2-2022 (5406 : Business Liaison Report)

the business interactions and interviews, contract parameters (specifically ARPA funds) and work items for the future. I have asked Miles and Michelle to assist Staff with booking speakers for each of the Business Roundtable Quarterly meetings. We discussed several different topic areas for these meetings to include, business marketing, tourism, social media specific advertising, and business grant opportunities. Miles and Michelle will follow up with the Staff and I for booking speakers.

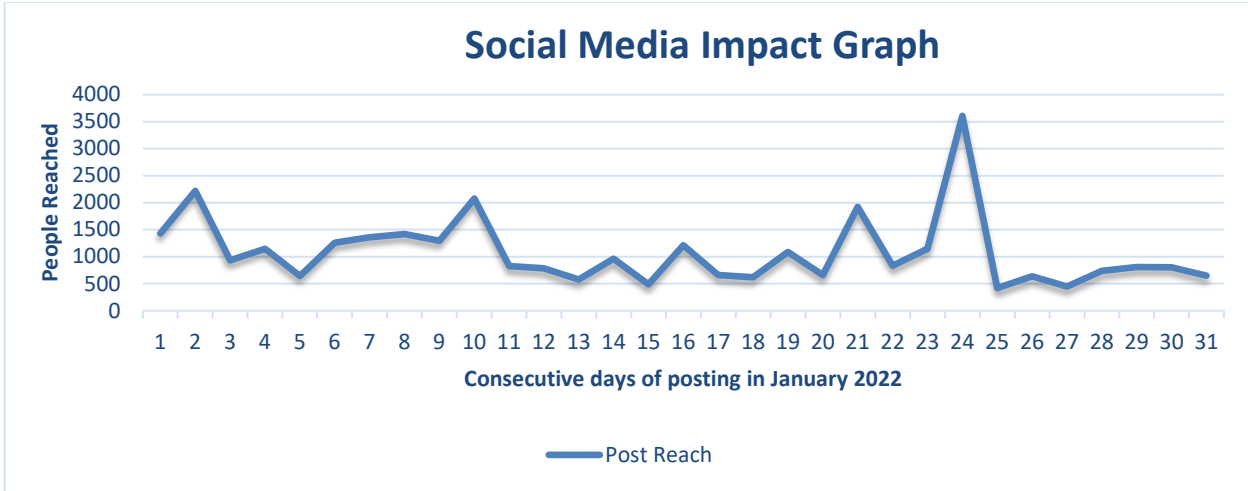
I have also asked Miles and Michelle to look at several communication plan examples and assist the Town with developing a communication plan per our contract goals. We will meet again to discuss progress and the next steps for the communication plan.

Miles and Michelle were invited to the February 7th Town Council meeting to provide an update to the entirety of Council and answer any Council questions that may arise.

- 3) **Meeting with the Hotel Event Director** - Emily K. and I met with the Event Director for the Haymarket Hilton Garden Inn, Clarice Lelle. We met to discuss the upcoming grand opening, the proposed events the hotel will be hosting and opportunities for us to partner together on some events. We also discussed the Business Roundtable for March 8th and the hotels involvement. We will be following up soon with Clarice for updates and additional planning for the March 8th Business Roundtable Meeting.
- 4) **Part-Time Event Coordinator Position** - Emily K. posted the part time event coordinator position online January 21st. The Town received two applications the following week. Emily and I have reviewed the applications and completed one interview with a qualified candidate on February 2nd. We will follow up with Council on the position status at the Town Council meeting, following a further discussion with the applicant.
- 5) **Town Social Media Campaign** - Beginning in January of 2022, Emily K. and Emily H. started a renewed Town Social Media Campaign to grow our online presence, community interactions and business engagements. To date, the duo has been successful in posting daily and highlighting one business every day. Emily H. has been tasked with scheduling at least one post a day for the entire calendar year. As timing permits, she and Emily K. will go online throughout the week and share additional posts and stories to the Facebook page, as well as “like” and interact with our current posts. Together the duo is creating unique content and engaging posts for our community and businesses. We have received several very glowing remarks and comments from our businesses and look forward to continuing the presence and tracking log. Emily H. has provided the reporting below to show our different post engagement over the course of our first month in the Social Media Campaign.

Our long-term goal is to develop an enriched online presence of daily interactions with our businesses and citizens in an effort to share more positivity and business highlights. We look

to measure this goal through our post reaches, post engagements, shares, new page followers and link clicks, to name a few. Over the course of the next several months we will be bringing monthly reports to Council to show our progress. We also will look to Council for any additional feedback you may have on the Social Media Campaign effort.



Above is the graph of scheduled Facebook posts for the month of January. This graph demonstrates the upward trend of impact over the month.

01/06/2022






01/31/2022

Page Overview

Discovery

 Post reach	12,291
 Post engagement	3,683
 New Page Followers	43

Interactions

 Reactions	707
 Comments	129
 Shares	64
 Photo Views	1,153
 Link Clicks	113

Other






 Hide All Posts	1
 Unfollows	0

Page Overview

Discovery

 Post reach	12,785
 Post engagement	4,838
 New Page Followers	25

Interactions

 Reactions	1,053
 Comments	124
 Shares	122
 Photo Views	563
 Link Clicks	760

Other

 Hide All Posts	1
 Unfollows	0

Attachment: Business Liaison Report 2-2022 (5406 : Business Liaison Report)

The Post reach has increased by 494.

The Post Engagement has increased by 1,155.

There have been 25 new followers in the month of January.

There are 346 more Facebook reactions.

There are no additional comments on the page.

There are 58 more shares.

There are no additional photo views in January.

There are 647 more link clicks.

Overall, there has been a positive media impact over the past month of posting.



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

To: Haymarket Town Council
From: Bob Weir, Planning Commission Liaison
Date: February 7, 2022

MEMORANDUM

The Planning Commission meeting of January 19, 2022 addressed the following:

- Preliminary operational and logistics for the Comprehensive Plan review.
- Review of the expansion of the John Marshall Commons site in the County.
- Discuss of County data center applications.

Respectfully submitted,

Bob Weir



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

To: Haymarket Town Council

From: ARB Liaison

RE: Monthly Reporting

Date: February 7, 2022

MEMORANDUM

ARB Liaison Report / January 2022

At its January Meeting, the ARB approved in-kind replacement of signs for A Pup's Valley (Formerly A Dog's Day Out) on Fayette Street.

Sign options for the Town Center building continue to be developed. Staff and the ARB Liaison will brief the Council once a sign option is selected.



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

Emily L. Kyriazi
TOWN PLANNER
ACTING TOWN MANAGER

MEMORANDUM

TO: Mayor and Town Council
FROM: Emily L. Kyriazi, Acting Town Manager
DATE: February 2, 2022
SUBJECT: Crossroads Village Center – Traffic Update

Summary:

Council requested the applicant to submit a full Traffic Impact Analysis, Mr. Wooden sent the attached email regarding the traffic analysis. In addition, Igor Levine sent over the attached email and updated traffic table, see following pages.

The attached table shows the expected traffic counts for the proposed SUP use vs. the by-right use the applicant would build in place of the SUP use. The applicant will be present at the meeting to speak to the numbers in the comparison table.

The table suggests that the total daily trips for the proposed SUP would be higher than the by-right uses. The peak times will vary, SUP peak is higher during the week day mornings and the by-right peak is higher during the week day evenings. Weekend peak hours are similar, showing a slightly higher peak for the by-right uses.

Town Planner recommends denial of the SUP application based on the applicants' failure to submit the requested Traffic Impact Analysis, the heightened peak traffic for the proposed use in comparison to the by-right use alternatives (proposed by the applicant with traffic numbers provided) and the overall traffic mitigation concerns in relation to the proposed SUP drive thru.

Draft Motions

"I move the Town Council to deny SUP#2021-002, for a restaurant drive-in limited to a coffee shop use, based on the following analysis ... "

Or

"I move the Town Council to approve SUP#2021-002, for a restaurant drive-in limited to a coffee shop use, based on the following analysis ... "

Or Alternate Motion

Attachment: Traffic Memo 2-2022 (5419 : Crossroads Village Center SUP#2021-001 Restaurant, Drive-In)

- Check Appropriate Item(s):
- Amendment to Zoning Map
 - Zoning Text Amendment
 - Special Use
 - Variance
 - Appeal of Administrative Decision

Office Use Only:

Date Received: _____

Application Number: _____

Fees Received: _____

Part 1 – to be completed by **ALL** applicants

1-A Identification of Property – For zoning text amendments, this is the property in which the applicant has an interest, which will be affected by the text change. For all other applications, it is the land, which is covered by the application.

- 1) Number and Street: 15150 Washington St. (part)
- 2) Present Zoning: B-2 3) Acres: 0.6363
- 4) Legal Description of Property (Omit for zoning text amendment) – Attach if necessary.

1-B Property – (Omit for zoning text amendments)

- 1) The deed restrictions, covenants, trust indentures, etc. on said property are as follows (or copy attached); if NONE, so state: _____
- 2) a) Has this property or any part thereof ever been considered for Variance, Special Use, Appeal of Administrative Decision or Amendment to the Zoning District Map before?
 YES NO
 b) Date: 9/4/18 c) Former Application No. _____
 d) What was the disposition of the case? _____
 e) Former Applicant Name: Same
 Former Address: _____
 Former Phone: _____

1-C Identification of Applicant – All applicants must have standing (an interest in property that will be directly affected by requested action)

- 1) Applicant Information:
 Name: Highmarket Development #1, LLC c/o Don Woodcock
 Address: 1602 Village Market Blvd. SE, Leesburg, VA 20175
 Phone Number: 571-375-1750
- 2) Agent Information (if any):
 Name: _____
 Address: _____
 Phone Number: _____
- 3) Owners of all property included in this application (omit for zoning text change):
 Name: SAME
 Address: _____
 Phone Number: _____
 Name: _____
 Address: _____
 Phone Number: _____

Attachment: 2 - SUP Starbucks 09_13_21 (5419 : Crossroads Village Center SUP#2021-001 Restaurant, Drive-In)

Name: _____

Address: _____

Phone Number: _____

Name: _____

Address: _____

Phone Number: _____

- 4) If applicant is a Land Trust or Partnership or if the subject property is owned or controlled by a Land Trust or Partnership, List name and interest of **ALL** Land Trust Beneficiaries or Partners and attach evidence that the person submitting the application on behalf of the Land Trust or Partnership is authorized to do so.

Trustee/Partner Name: _____

Address: _____

Phone Number: _____ Interest: _____

Beneficiary/Partner Name: _____

Address: _____

Phone Number: _____ Interest: _____

Beneficiary/Partner Name: _____

Address: _____

Phone Number: _____ Interest: _____

- 5) Does the applicant have a proprietary interest in the land or land improvements? YES NO (In the case of a zoning text amendment, this means at least one parcel of land is subject to the text change)

If YES, state interest and attach documentation: _____

If NO, state what interest otherwise qualifies the applicant to apply: _____

- 6) Names of the owners of improvement(s) on the property in this application if different from above: (Omit for zoning text amendment)

Name: _____

Address: _____

Phone Number: _____

Name: _____

Address: _____

Phone Number: _____

Name: _____

Address: _____

Phone Number: _____

- 7) If the applicant is a corporation, attach the evidence that the person submitting the application on behalf of the corporation is authorized to do so.

See Authorization letter dated _____

Part 2 – Complete **ONLY** portion(s) of Pages 3, 4 & 5 pertaining to your case. (as checked at top of Page 1)

2-A Rezoning – (Amendment to the zoning district map) – Applications for Amendments to the Zoning District Map are heard by the Planning Commission which makes a positive or negative recommendation to the Town Council. Only the Town Council has authority to grant or deny amendments to the Zoning District Map.

Attachment: 2 - SUP Starbucks 09_13_21 (5419 : Crossroads Village Center SUP#2021-001 Restaurant, Drive-In)

- 1) a) Existing Zoning: _____ b) Proposed Zoning: _____
 c) Existing Use: _____
 d) Proposed Use: _____
- 2) a) The following are submitted with this application:
 Preliminary Site Plan Rendering or Perspective Other
 b) Are there any land use intensity (LUI) requirements? YES NO
 c) Attach brief justifying this request. This brief should include an analysis of how the rezoning application is supportive or not supportive of relevant goals, objectives, policies or programs in the Comprehensive Plan. (Staff will assist.)

2-B Zoning Text Amendment – Applications for amendments to the zoning text are heard by the Planning Commission, which makes a recommendation to the Town Council. Only the Town Council has the authority to change the zoning text, which is done by passing an amendment to the Town Code.

- 1) What section(s) of the Town Code is proposed to be amended? _____
- 2) What is the nature of the proposed change? _____
- 3) Attach the exact language suggested by the application to be added, deleted, or changed in the Town Code.
- 4) Attach a written statement, which justifies the proposed change. The statement should also identify potential positive and negative impacts (if any) of the proposed change to the applicant's property, nearby properties, and the entire community if the application is approved or if it is denied.

2-C Special Use Request – Special Use requests are heard by the Planning Commission, which makes a positive or negative recommendation to the Town Council. Only the Town Council has the authority to grant or deny a Special Use.

- 1) Are development plans submitted with this application? (Staff member will explain.) YES NO
- 2) Parking Requirements:
 a) Proposed number of parking spaces to be provided: ~~100~~ 27
 b) Number of parking spaces required by Town Code: 23
 c) Attach tabulation of total land area and percentage thereof designated for various uses
 d) Are there any land use intensity (LUI) requirements? YES NO
 If YES, attach data.
- 3) Estimated cost of proposed Special Use project:
 a) Land: \$ 800,000 Improvements: \$ 1,300,000
 b) Estimated completion date: TBD
- 4) Submit a brief justifying the reasons for this request. This brief should include an analysis of how the rezoning application is supportive or not supportive of relevant goals, objectives, policies or programs in the Comprehensive Plan. (Staff will assist.)

2-D Variance Request – Variances are granted or denied by the Zoning Board of Appeals (ZBA). Reversal of ZBA decisions may be secured only through the judicial system.

- 1) a) All information required may be shown on one sheet if appropriate.
 b) Check characteristic(s) of the property preventing it from being used in accordance with the terms of the Town Code (Zoning Ordinance):
 Too-Narrow Elevation Soil

Attachment: 2 - SUP Starbucks 09_13_21 (5419 : Crossroads Village Center SUP#2021-001 Restaurant, Drive-In)

- Too Small
 - Slope
 - Subsurface
 - Too Shallow
 - Shape
 - Other (Attach specifics)
- c) Attach a description and/or drawings of the item(s) checked, giving dimensions were appropriate.

- 2) Attach requirements for the appropriate zoning district from which relief is sought as described in the Town Code.
 - 3) Attach a brief explanation how the above site zoning conditions prevent any reasonable use of the land under the terms of the Town Code (Zoning Ordinance).
 - 4) a) To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having proprietary interest in the land after the zoning article or applicable part thereof became law? YES NO
 b) If NO, explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to variance).
-
- c) Are the conditions on the property the result of other man-made changes (such as relocation of a road or highway, etc.)? YES NO
 d) If YES, attach descriptions and maps where appropriate.
 e) Do the above-described conditions of hardship for which this request for variance is filed apply only to this property? If YES, attach an explanation. YES NO
- 5) Which of the following modifications will allow a reasonable use of the land?
 - Change in the setback requirements
 - change in lot coverage requirements
 - Change in height requirements
 - change in area requirements
 - Other (attach description)
 - 6) a) Attach description of proposed use.
 b) Is proposed use permitted in the zoning district? YES NO
 c) Will the granting of a variance in the form requested be in harmony with the general purpose and intent of the zoning article and district statement of intent and not be injurious to the neighborhood or detrimental to the public welfare? YES NO
 d) Attach a brief elaborating on this last point.

2-E Appeal of Administrative Decision – Administrative decisions are reviewed by the Zoning Board of Appeals (ZBA). Such administrative decisions may be reversed or sustained by the ZBA. Reversal of ZBA decision may be secured only through the judicial system.

- 1) Date of administrative decision leading to this appeal: _____
- 2) Attach a brief, which specifically states the decision the administrative official made, the reasons given for the decision and specifically what you are herewith appealing. Elaborate on the reasons for this request, and why the Zoning Board of Appeals in your opinion should overrule the administrative official’s decision.

Part 3 – To be completed by ALL applicants

AFFIDAVIT – This part of the application must be notarized. Do not sign until in the presence of a Notary Public.

1) To the best of my knowledge, I hereby affirm that all information in this application and any attached material and documents are true:

a) Signature of **applicant**: 

b) Signature of **agent** (if any): _____

c) Date: 9/13/21

Notary Seal



2) a) Signed and sworn before me this: 9/14/21

b) Signature of **Notary**: 

Attachment: 2 - SUP Starbucks 09_13_21 (5419 : Crossroads Village Center SUP#2021-001 Restaurant, Drive-In)

Crossroads Village Center

Haymarket Development 1, LLC

1602 Village Market Blvd. SE, Suite 235
Leesburg, Virginia 20175

O: (571) 375.1750

September 13, 2021

Re: Letter of Authorization

Dear Ms. Lockhart:

Haymarket Development #1, LLC authorizes the submission of this application. Don Wooden in his capacity as the Manager has authority to sign and take action on behalf of Haymarket Development #1, LLC



Don Wooden

Manager, Haymarket Development #1, LLC

Statement of Justification

Special Use Permit Application

Crossroads Village Center

Owner/Applicant: Haymarket Development #1, LLC

Property: 15150 Washington Street (part)

Prince William County GPIN: 7298-81-2707 (part)

Proposed Use: Restaurant W/Drive-In (Limited to Coffee Shop Use)

Dated: September 13, 2021

Introduction: The Applicant, Haymarket Development #1, LLC (the “Applicant”) is the owner of property located at 15150 Washington Street and identified as Prince William County GPIN 7298-81-2707 (the “Property”). The Property is approximately 20 acres in size and located in the northwestern portion of the Town of Haymarket (the “Town”) along Washington Street and south of the Interstate 66 and Route 15 interchange.

The Property is zoned B-2, Business Commercial, and R-2, Residential, and is designated as Planned Interchange Park on the Town’s Planned Land Use Map, last revised November 16, 2015. The Property is surrounded by B-2 zoned property to the west, the Interstate 66 and Route 15 interchange to the north, and a mixture of R-1, R-2, and B-1 zoning districts to the east. The Property is surrounded by properties designated as Planned Interchange Park to the west, and a combination of Moderate Density Residential, Transitional Commercial, and Neighborhood / Town Center to the east. The Property is currently undeveloped and remains the largest undeveloped tract in the Town.

On September 4, 2018, the Town Council adopted Resolution #2018-010 approving REZ#2018-004 to rezone 9.94 acres of the Property from B-2 to R-2 to allow for development of 79 townhomes. On that same evening, the Council also adopted Resolution #2018-012 approving SUP#2018-007 to authorize a bank with a drive-in. The Council approved other special use permits for the Property that same evening including: Resolution #2018-011 approving SUP#2018-005 to allow a structure in excess of 50 feet for a hotel; Resolution #2018-014 approving SUP#2018-003 to allow a restaurant with a drive-in; and Resolution #2018-015 approving SUP#2018-004 to allow a second restaurant with a drive-in.

A site plan for the development of the Property was approved previously. The proposed special use permit, along with other changes to the development layout require an amendment to that site plan, which will be filed with the Town shortly after the special use permit applications.

Proposed Use: The Applicant seeks this special use permit to allow for a restaurant with drive-thru limited to a coffee shop, to replace the bank with a drive-in, effectively amending the previous Special Use Permit to change the use from a bank to a restaurant use with limitations, while maintaining the drive-in. A special use permit plan entitled “Restaurant (Coffee) with

Drive-in Special Use Permit Plan – Crossroads Village Center,” prepared by J2 Engineers, dated September, 2021 (the “SUP Plan”) is included with this submission. As shown on the SUP Plan, the proposed restaurant and the associated improvements will occupy the parcel identified within the SUP Boundary (the “SUP Area”).

Special Use Permit Considerations

Section 58-1.7 (d) of the Town’s Zoning Ordinance sets forth certain standards to be considered when approving a special use permit. Below is an analysis as to how the proposed special use permit meets these standards.

(1) The proposed use at the stipulated location shall be in accordance with the official policies of an adopted comprehensive plan, and with any specific element of such plan.

The Property is designated as Planned Interchange Park. The Town’s Comprehensive Plan recommends that major commercial growth be limited to those areas designated as Planned Interchange Park and Town Center. Page 89, Town of Haymarket Comprehensive Plan. The Planned Interchange Park designation was created with the intent of designing a cohesive development around the I-66 and Route 15 interchange. The Property represents nearly half of the Town’s acreage designated as Planned Interchange Park and remains the only undeveloped portion of that designation. As shown by the prior approved GDP, this proposed use and overall development aligns with the Town’s intent by using the land to create a cohesive and vibrant mixed use development.

Planned Interchange Park specifically seeks cluster development that includes a mix of commercial, office, professional and retail uses, around common parking facilities. Page 92, Town of Haymarket Comprehensive Plan. The proposed restaurant, drive-in supports this goal. Additionally, the prior approved GDP shows a mix of commercial, retail and potential office uses which are permitted by-right in B-2 and further align the proposed use and overall development with the goals of the Planned Interchange Park designation.

One of the Town’s stated goals is to: “develop and support opportunities for local employment. Fortify the Town’s financial condition so that it can meet growing demands for services.” Page 80, Town of Haymarket Comprehensive Plan. A stated objective of the Town to achieve this aforementioned goal is to “encourage and support commercial, industrial, and service activity in Haymarket.” Page 80, Town of Haymarket Comprehensive Plan. The proposed special use permit advances this goal by authorizing a restaurant that will create jobs and increase the Town’s commercial tax base. This will bolster the Town’s financial position by increasing the commercial tax base, and creating local employment opportunities.

Section 2.7 of the Town’s Comprehensive Plan states that the goal is to “develop a balanced program for future land use to promote the public health, safety and general welfare.” An objective to achieve this goal is to ensure compatibility of land use while protecting residential areas from adverse aspects of commercial use. Page 81, Town of

Haymarket Comprehensive Plan. The proposed restaurant, drive-in is compatible with the other commercial uses internal to the overall development as well as the other commercial uses along Washington Street.

(2) The proposed use shall be in accordance with the general purpose and intent of the applicable zoning district requirements.

While the Property is zoned B-2 and R-2, the SUP Area is located within the B-2 zoned portion. Restaurants are permitted by-right in B-2, but a restaurant with a drive-in requires a special use permit. Generally, drive-ins require a special use permit throughout the Town.

B-2 is a commercial zoning district whose primary purpose is to concentrate businesses in a coordinated manner and to provide for more intense commercial uses away from the Town center. The SUP Area is a small portion of the larger development envisioned on the Property, as shown on the prior approved GDP. The GDP demonstrates that the B-2 portion of the Property concentrates businesses in a coordinate manner to function with one another and the surrounding uses. This aligns with the intent of the B-2 district.

(3) The proposed use shall not adversely affect the use or values of surrounding properties and structures.

The proposed restaurant, drive-in is not anticipated to adversely affect the values of surrounding properties and structures. In fact, this type of commercial development, along with the other components of the overall development, should positively affect the values of surrounding properties by increasing the commercial tax base within the Town and creating jobs. The overall development shown on the GDP Plan will also create a commercial and residential hub that should attract future businesses to locate nearby and within the Town.

As part of the larger development, the proposed use will have substantial landscaping and screening between its internal uses as well as the surrounding properties. The landscaping and screening is provided in accordance with Town Code requirements and will allow for the proposed use and overall development to be compatible with the surrounding properties and structures. As a result, the Applicant does not anticipate that the proposed use will have an adverse effect on the use or values of surrounding properties.

(4) The proposed use shall not adversely affect the health, safety or general welfare of persons residing or working in the neighborhood.

The restaurant, drive-in use will replace a bank with a drive-in that was previously approved by the Town. It is not anticipated to adversely impact the health safety or general welfare of the persons residing or working in the neighborhood. Commercial uses will surround the proposed use, as displayed by the prior approved GDP. The adjacent properties along Washington Street are also commercial making the proposed drive-in use compatible with these existing uses. Additionally, the proposed use and overall commercial development aligns with the Town's Comprehensive Plan and, therefore, its vision for this area further suggesting

that it will not have an adverse effect on the health, safety or general welfare of persons residing or working in the area.

(5) Pedestrian and vehicular traffic generated by the proposed use shall not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

The pedestrian traffic generated by the proposed uses should not be hazardous due to the sidewalk system proposed by the Applicant. These sidewalks will provide greater pedestrian connectivity to the Property, its commercial uses, and throughout the Town. Only a portion of the Property's frontage presently has a sidewalk. The Applicant proposes to connect to the existing sidewalks along Washington Street and provide one of the last outstanding sidewalk connections along this thoroughfare. This, along with the significant pedestrian facilities internal to the proposed development, will create increased pedestrian mobility and safety within the Town.

(6) Utility, drainage, parking, loading and other necessary facilities provided to serve the proposed use shall be adequate.

Stormwater management will be provided in accordance with applicable state and local regulations. The proposed special use permit is not anticipated to cause any change to the SWM previously approved by site plan for the Crossroads Village Center. The proposed use will be connected to public water and sewer, the final design of which will be determined during site plan review for the amendment to the site plan.

Sec. 58-6.1 of the Town's Zoning Ordinance requires 1 parking space per 100 sq. ft. of gross floor area for a freestanding drive-in restaurant. The proposed restaurant, drive-in is approximately 2,250 square feet, which would require 23 parking spaces and the amount proposed by the Applicant is 27 parking spaces. The gross floor area for the proposed use does require a loading space per town standards. Based on this information, the necessary facilities provided to serve the proposed use will be adequate.

Conclusion:

The proposed restaurant with limitations, drive-in simply seeks to repurpose a previously approved commercial drive-in that the Town deemed appropriate for this location. Additionally, the proposed use and overall development is consistent with the goals and objective of the Town's comprehensive plan. As a result, the Applicant suggests that the proposed use is compatible with the surrounding uses, will increase the Town's commercial tax base, attract future businesses, and develop one of the last undeveloped portions of the Town.

PROPOSED SPECIAL USE PERMIT CONDITIONS
Owner/Applicant: Haymarket Development #1, LLC
Special Use Permit: _____, Restaurant W/ Drive-In (Limited to Coffee Shop Use)
Prince William County GPIN: 7298-21-2707 (part)
Special Use Permit Area: +/- 0.6363 acres (the "Property")
Zoning: B-2, Business Commercial
Date: September 13, 2021

The following conditions are intended to render the application consistent with the applicable chapters of the Comprehensive Plan and the surrounding areas.

1. **Site Development:** The Property shall be developed in conformance with the special use permit plan entitled "Restaurant (Coffee) W/ Drive-In Special Use Permit Plan" prepared by J2 Engineers, and dated September, 2021 (the "SUP Plan").
2. **Use Limitations:** The use approved with this special use permit shall be limited to a restaurant with drive-thru limited to a coffee shop. The coffee shop use shall allow for in general but not limited to: an establishment that primarily prepares, sells and serves coffee, tea, blended beverages and other beverages, and which may sell baked goods and meals, soups and sandwiches, and which has a seating area for customers.
3. **Directional Signage:** The Applicant shall provide directional signs as shown generally on the SUP Plan.
4. **Pedestrian Crosswalks:** The Applicant shall provide pedestrian crosswalks as shown generally on the SUP Plan.

Traffic Signal Timing (Design/Installation)*

Comments

Signal Justification Report Submitted for Main Site Access	Completed
Approvals Received for Signal Warrant/SJR from VDOT	Completed
Preliminary Signal Layout Completed	Completed
Traffic Signal Design Commencement (Preliminary Engineered Plans)	Completed
Submitted to VDOT - 1st submittal	Completed on 8/24/21
Traffic Signal Design Commencement (Final Engineering)	Planned to commence in the next 30-120 days
Traffic Signal Installation Work Commencement**	Planned to commence in Q1/Q2 2022
Traffic Signal Installed	Planned to complete in Q3/Q4 2022

*Overall signal design/installation timing is dependent on VDOT review/approval timing

**Assumes overall development to commence summer 2021

Manassas Sudley Manor Peak
M – F: 7am-9am
Sat – Sun: 9am-11am
Typical Stack during peak* - 11-12 cars

Route 29 N-Warrenton Peak
M – F: 7am-9am
Sat – Sun: 9am-11am
Typical Stack during peak* - 11-12 cars

** Pre-Pandemic (Pre 2020/2021- Café areas inside our stores will reopen by the end of May 2021)*

Source: Starbucks Corp.

Starbucks Statistics – Warrenton & Manassas, VA



RESOLUTION #2018-012

RESOLUTION TO APPROVE SPECIAL USE PERMIT SUP#2018-007 FOR A BANK WITH A DRIVE-IN AT THE LOCATION ON THE GENERALIZED DEVELOPMENT PLAN

WHEREAS, The Town of Haymarket approved the Special Use Permit SUP#2018-007 at the September 4, 2018 Town Council Meeting;

WHEREAS, The Planning Commission and Town Council held a Joint Public Hearing on May 21, 2018 and received comments from the public with regard to the Special Use Permit Application;

NOW, THEREFORE, BE IT RESOLVED by the Town Council for the Town of Haymarket, Virginia, meeting in regular session this 4th day of September 2018, that the Special Use Permit, SUP#2018-007 for a Bank with a Drive-In at the Location in accordance with the GDP is approved.

By Order of Council:


David Leake, Mayor

ATTEST:


Shelley Kozlowski, Clerk of Council

Attachment: 2 - SUP Starbucks 09_13_21 (5419 : Crossroads Village Center SUP#2021-001 Restaurant, Drive-In)

201803280021389

Prince William County, VA
03/28/2018 02:35 PM Pgs: 6
Jacqueline C Smith, Esq., Clerk
Grantor Tax: \$5,820.00



This instrument was prepared by Bean, Kinney & Korman, P.C.

Consideration: \$5,820,000.00
Tax Assessed Value: \$4,724,100.00

*Title Insurance
Purchased, Chevy Title Ins. Co.*

GPIN Nos. 7298-81-2707; 7298-71-7053

Grantee's Address: 4080 Lafayette Center Drive
Suite 265
Chantilly, VA 20151

Return after recording to: Stephen L. Pettler, Jr.
21 S. Loudoun St., Winchester, VA 27601

THIS DEED, made as of the 8th day of March, 2018, by and between ROUTE 15-66 ASSOCIATES, LLC, a Virginia limited liability company ("Grantor"), and HAYMARKET DEVELOPMENT #1 LLC, a Virginia limited liability company ("Grantee").

WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10,00), and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Grantor hereby grants and conveys unto the Grantee, with Special Warranty of title, all of those certain lots or parcels of land, with all improvements thereon and all appurtenances thereto, situated, lying and being in the County of Prince William, Virginia, and more particularly described on Exhibit A attached hereto and incorporated herein by reference.

This conveyance is made subject to all reservations, easements, covenants and conditions contained in the deeds forming the chain of title to the aforescribed property, as the same may lawfully apply.

WITNESS the following signatures and seals as of the date first above stated.

[SIGNATURE PAGE FOLLOWS]

Attachment: 2 - SUP Starbucks 09_13_21 (5419 : Crossroads Village Center SUP#2021-001 Restaurant, Drive-In)


GRANTOR: ROUTE 15-66 ASSOCIATES, LLC,
a Virginia limited liability company

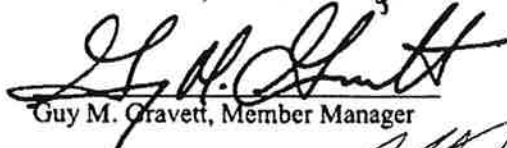
By: Peete Brothers Management, LLC,
a Virginia limited liability company
Its Manager

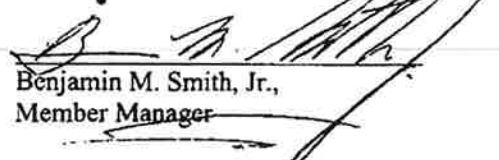
By: 
Edward C. Peete, Class A Manager

By: 
David D. Peete, Jr., Class B Manager

By: AGS Management, LLC,
a Virginia limited liability company
Its Manager

By: 
Leslie S. Afaiil, Member Manager

By: 
Guy M. Gravett, Member Manager

By: 
Benjamin M. Smith, Jr.,
Member Manager

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF Arlington, to wit:

The foregoing Deed was acknowledged before me, a notary public in the jurisdiction aforesaid, by Edward C. Peete, Class A Manager of Peete Brothers Management, LLC, in its capacity as Manager of Route 15-66 Associates, LLC, this 27th day of March, 2018, on behalf of the limited liability company.

My comm'n exp.: December 31, 2021
Notary registration no.: # 7506326


Notary Public

Attachment: 2 - SUP Starbucks 09_13_21 (5419 : Crossroads Village Center SUP#2021-001 Restaurant, Drive-In)

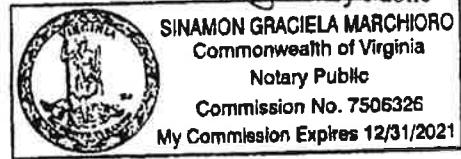
COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Arlington, to wit:

The foregoing Deed was acknowledged before me, a notary public in the jurisdiction aforesaid, by David D. Peete, Jr., Class B Manager of Peete Brothers Management, LLC, in its capacity as Manager of Route 15-66 Associates, LLC, this 8th day of March, 2018, on behalf of the limited liability company.

My comm'n exp.: 12/31/2021
Notary registration no.: 7506323

[Handwritten Signature]

Notary Public



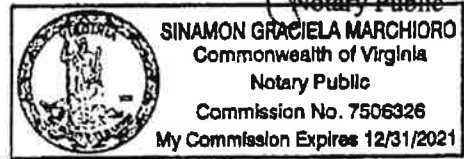
COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF Arlington, to wit:

The foregoing Deed was acknowledged before me, a notary public in the jurisdiction aforesaid, by Leslie S. Ariail, Member Manager of AGS Management, LLC, in its capacity as Manager of Route 15-66 Associates, LLC, this 8th day of March, 2018, on behalf of the limited liability company.

My comm'n exp.: 12/31/2021
Notary registration no.: 7506323

[Handwritten Signature]

Notary Public



COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF Arlington, to wit:

The foregoing Deed was acknowledged before me, a notary public in the jurisdiction aforesaid, by Guy M. Gravett, Member Manager of AGS Management, LLC, in its capacity as Manager of Route 15-66 Associates, LLC, this 8th day of March, 2018, on behalf of the limited liability company.

My comm'n exp.: 12/31/2021
Notary registration no.: 7506323

[Handwritten Signature]

Notary Public

[ACKNOWLEDGMENTS CONTINUE]



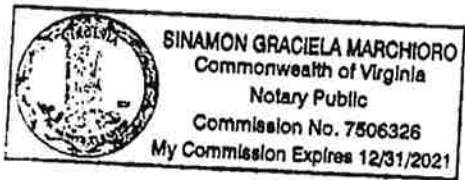
Attachment: 2 - SUP Starbucks 09_13_21 (5419 : Crossroads Village Center SUP#2021-001 Restaurant, Drive-In)

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF ARLINGTON, to wit:

The foregoing Deed was acknowledged before me, a notary public in the jurisdiction aforesaid, by Benjamin M. Smith, Jr., Member Manager of AGS Management, LLC, in its capacity as Manager of Route 15-66 Associates, LLC, this 8th day of March, 2018, on behalf of the limited liability company.

My comm'n exp.: 12/31/2021
Notary registration no.: 7506326

Sinamon Graciela Marchioro
Notary Public



Attachment: 2 - SUP Starbucks 09_13_21 (5419 : Crossroads Village Center SUP#2021-001 Restaurant, Drive-In)

EXHIBIT A

ALL THOSE certain tracts, lots and parcels of land, together with all improvements thereon and appurtenances thereunto belonging, located in Gainesville Magisterial District, Town of Haymarket, Virginia, in Prince William County, Virginia, and more particularly described as follows:

BEGINNING at an iron pipe found in the northeasterly right-of-way line of Washington Street - U.S. Route 55 (variable width right-of-way - 40 feet from centerline), said iron pipe found being the westerly corner of the Giuseppe and Josephine Russo property and the southerly corner of the parcel herein described; thence with said northeasterly right-of-way line of Washington Street the following courses and distances:

North 56 degrees 59 minutes 47 seconds West 530.57 feet to an iron pipe set;
 North 54 degrees 50 minutes 37 seconds West 233.88 feet to an iron rod with VDOT cap found;
 North 48 degrees 01 minutes 55 seconds West 68.78 feet to an iron pipe set at the southerly corner of the Quarles Haymarket Center, LLC Property; thence departing Washington Street and with said Quarles Haymarket Center, LLC Property the following courses and distances:

North 32 degrees 25 minutes 02 seconds East, crossing an iron rod with cap found at 326.19 feet, and being 428.90 feet in all, to an iron pipe found;
 North 56 degrees 35 minutes 13 seconds West 530.17 feet to a Virginia Department of Highways and Transportation monument found in the southerly right-of-way/limited access line of Ramp "C1" leading from Northbound Route 15 to Eastbound Route 66 (variable width right-of-way); thence with the right-of-way/limited access line of Ramp "C1" the following courses and distances:

North 60 degrees 23 minutes 28 seconds East 217.31 feet to an iron pipe set;
 North 87 degrees 31 minutes 22 seconds East 9.74 feet to an iron pipe set;
 South 79 degrees 29 minutes 10 seconds East, crossing an iron rod with VDOT cap found at 3.22 feet, and being 425.78 feet in all, to an iron rod with VDOT cap found;
 South 80 degrees 52 minutes 12 seconds East 200.11 feet to an iron rod with VDOT cap found in the southerly right-of-way/limited access line of Ramp "C" leading from Southbound Route 15 to Eastbound Route 66; thence with the southerly right-of-way/limited access line of Ramp "C" the following courses and distances:

South 79 degrees 42 minutes 49 seconds East 226.82 feet to an iron rod with VDOT cap found;
 159.22 feet along the arc of a curve to the right (crossing an iron rod with VDOT cap found at 156.48 feet), having a radius of 1,130.00 feet, a delta angle of 08 degrees 04 minutes 22 seconds, a tangent length of 79.74 feet, and a chord bearing and distance of South 75 degrees 40 minutes 33 seconds East 159.08 feet to an iron pipe set;
 South 59 degrees 01 minutes 51 seconds East 258.98 feet to an iron pipe found at the northerly corner of the D.R. Horton, Inc. property (Parcel "A", Sherwood Forest Subdivision); thence departing Route 66 and with the D.R. Horton, Inc. property in part, with the Gurjit K. and Bhupinder S. Dhindsa property in part, with the Tilak Kharel property in part, with the Patricia A. Titchenell property in part, with the Tracy Lynn Pater property in part, with the Shirley Ann Bailey

201803280021389 Page 6 of 6

property in part, with the Addo Haymarket, Inc. property in part, and with the aforesaid Giuseppe and Josephine Russo property, South 29 degrees 30 minutes 15 seconds West 1,044.31 feet to the point of beginning containing 912,905 square feet, more or less, or 20.9574 acres, more or less, as shown on a plat prepared by Ross-France, P.C., dated February 16, 2018.

AND BEING, the remainder of the same land conveyed to Route 15-66 Associates, LLC, a Virginia limited liability company by Trustees' Deed from Benjamin M. Smith, Jr., Successor Trustee and Peete Brothers Management, LLC, Successor Trustee, a Virginia limited Liability company, dated August 30, 2013 and recorded among the aforesaid land records as Instrument Number 201309100092241.

Attachment: 2 - SUP Starbucks 09_13_21 (5419 : Crossroads Village Center SUP#2021-001 Restaurant, Drive-In)

BUILDING 1
STORE, GROCERY

7298-71-5820
HAYMARKET CENTER, LLC
B-2, USE: RETAIL
#200901090002222

PROPERTY INFORMATION
PROPERTY ADDRESS: 15150 WASHINGTON STREET (PART)
PRINCE WILLIAM COUNTY GPIN: 7298-21-2707 (PART)
ZONING DISTRICT: B-2 (BUSINESS COMMERCIAL)

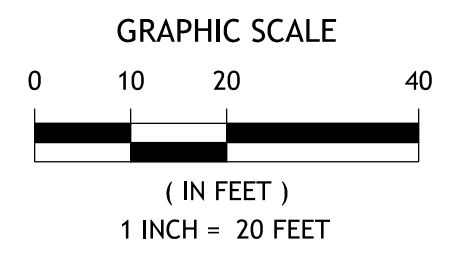
PROPOSED SPECIAL USE
RESTAURANT W/ DRIVE-IN (LIMITED TO COFFEE)

S.U.P. AREA = 0.6363 AC.
RESTAURANT SQUARE FOOTAGE = ±2,250 SQFT
(LIMITED TO COFFEE)

PARKING TABULATIONS:
REQUIRED:
RESTAURANT/DRIVE-IN = $\frac{1}{100}$ SQFT = 23 SPACES

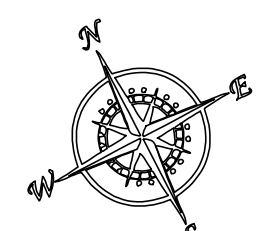

PROVIDED:
RESTAURANT/DRIVE-IN = 27 SPACES
(LIMITED TO COFFEE)

LEGEND
SUP BOUNDARY 



WASHINGTON STREET

CROSSROADS VILLAGE BOULEVARD

 
J2 Engineers, Inc.
17739 Main Street
Suite 180
Dumfries, Va. 22026
703.634.2120 (office)
703.634.2955 (fax)
www.j2engineers.com

RESTAURANT (COFFEE) W/ DRIVE-IN SPECIAL USE PERMIT PLAN
CROSSROADS VILLAGE CENTER
HAYMARKET, VIRGINIA

SCALE: 1"=20'

SEPTEMBER, 2021

From: [Don Wooden](#)
To: [Emily Kyriazi](#)
Cc: [Ken Luersen](#); [Chris Coon](#); [Kimberly Henry](#); [Igor Levine](#); [Bob Weir](#); [Mary Ramirez](#); [Marchant Schneider](#); [Chris Morris](#); [Tracy-lynn Pater](#); [Joe Pasanello](#); [Roberto Gonzalez](#)
Subject: Crossroads Village Center
Date: Friday, January 7, 2022 2:47:18 PM
Attachments: [image001.png](#)

Greetings Town Council/Staff,

Happy New Year and pray 2022 will be a wonderful year for all!

I would like to first apologize for not being able to keep my word in regard to updating the traffic study as I think you are aware by now that my word is important to me. Let me explain. I had released Grove Slade to do the counts and study even though they highly recommended us not to do the study until after such time that VDOT had lifted it's moratorium on doing TIA's due to COVID and it's impact on traffic and times. In addition they said that holiday traffic would greatly impact the real data but regardless they took the counts in December. The counts came back with data no one could support as realistic. Rt 55/15 was a 21% increase over 2018 and RT 55/ Costello came back with a 9% increase over the same period. After discussions I told them to hold off and do the counts in Jan to possibly get a more realistic outcome and Grove stated they would do so but it needed to be in late January when the traffic typically returns to normal and I agreed.

Since that time a few important things have transpired which I will outline:

- In a conference call with Starbucks they gave us a drop dead termination if we do not have an SUP/Site plan approval by Feb 15th, 2022 as they must open and close the old store no later than Nov stocking/Jan open. They have disclosed that they have another site as backup on the Home Depot center site they will be going to if Meladon cannot perform.*
- Our Contractor gave us a drop dead date of Feb 10th to release the order for utility piping and storm structures in order to meet the Starbucks delivery deadlines and project deadlines if we change the buildings.*

So we have ran out grace and time with the tenant and will be submitting next week some updated material to Emily for the continuation of the "Coffee Use" SUP for your review and approval/denial in the upcoming Work session and Town Council Meeting. After thinking how to present this so the best educated decision could be made I concluded that I needed to show the traffic impacts of the by-right alternative that we would build if Council so chooses to deny the Starbucks. This way everyone can see within reason what replaces the Starbucks option.

I truly hope everyone understands my position that I am in and we look forward in discussing things at the work session once we get everything over to Emily. Have a good weekend!

Thank you,



Don Wooden

1602 Village Market Blvd. SE

Suite 235

Leesburg, Virginia 20175

O: (571) 375.1750

D: (571) 375.1755

M: (703) 732.4665

www.meladon.com

"Our expertise and value lies in our knowledge of market driven land use/acquisitions, contract negotiation, entitlements, concept planning and development."

From: [Igor Levine](#)
To: [Emily Kyriazi](#)
Cc: [Don Wooden](#); [Igor Levine](#)
Subject: FW: Crossroads Village Center
Date: Tuesday, January 11, 2022 2:47:10 PM
Attachments: [image001.png](#)
[Trip Gen 6.5kSF multi-tenant building and Starbucks.pdf](#)

Emily, per Don's email the other day, I would like to attached the exhibit table we would like to submit to the Town Council for the upcoming Work Session showing the traffic impacts for the Starbucks use vs. the by-right use we would plan to build. I kindly request to be placed on the agenda for the upcoming Works Session in January for the continuation of the Starbucks SUP application.

Thank you,
 Igor

From: Don Wooden <dwooden@meladon.net>
Sent: Friday, January 7, 2022 2:47 PM
To: Emily Kyriazi <ekyriazi@townofhaymarket.org>
Cc: Ken Luersen <kluersen@townofhaymarket.org>; Chris Coon <CCoon@townofhaymarket.org>; Kimberly Henry <khenry@townofhaymarket.org>; Igor Levine <ilevine@meladon.com>; Bob Weir <bweir@townofhaymarket.org>; Mary Ramirez <Mramirez@townofhaymarket.org>; Marchant Schneider <mschneider@townofhaymarket.org>; Chris Morris <CMorris@townofhaymarket.org>; Tracy-lynn Pater <tpater@townofhaymarket.org>; Joe Pasanello <jpasanello@townofhaymarket.org>; Roberto Gonzalez <rgonzalez@townofhaymarket.org>
Subject: Crossroads Village Center

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Thank you,



Don Wooden

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www.meladon.com

"Our expertise and value lies in our knowledge of market driven land use/acquisitions, contract negotiation, entitlements, concept planning and development."

Proposed Land Use (ITE 10)	ITE Code	Size	----- Week day -----						----- Weekend -----			
			AM Peak Hour			PM Peak Hour			Daily Total	Saturday Peak Hour		
			In	Out	Total	In	Out	Total		In	Out	Total
Coffee Use												
Coffee/Donut Shop with Drive-Thru Window	937	2.250 kSF of GFA	102	98	200	49	49	98	1,846	94	94	188
Total		2.250 kSF of GFA	102	98	200	49	49	98	1,846	94	94	188
6.5 kSF Multi-tenant Building												
B2 - Shopping Center - Fast Casual	930	2.70 kSF of GFA	4	2	6	21	17	38	851	51	41	92
B2 - Shopping Center - Fast Food w/o Drive-Thru	933	1.40 kSF of GFA	21	14	35	20	20	40	485	37	39	76
B2 - Shopping Center - General Retail	820	2.40 kSF of GLA	1	1	2	16	18	34	476	17	16	33
Total		6.500 kSF of GLA	26	17	43	57	55	112	1,812	105	96	201

Notes:

- (1) The AM peak hour rate for ITE LUC 933 was used in lieu of the equation due to the size of the proposed use.
- (2) The AM peak hour rate for ITE LUC 820 was used in lieu of the equation due to the size of the proposed use.



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

MEMORANDUM

TO: Honorable Mayor and Town Council
 FROM: Roberto Gonzalez, Town Treasurer
 DATE: February 02, 2022
 SUBJECT: ARP funds Final Guidelines

BACKGROUND:

Council the final guidelines for the ARP funds have been released. I have attached the Final Guidelines Overview which helps summarize the 437 page report. As stated in last weeks work session many of my fellow Treasurers have had a few webinar/zoom meetings to discuss the final ruling. I shared with Council in last weeks work session that many jurisdictions are looking to implement the ARP funds into their budget by selecting the standard allowance loss of revenue of up to 10 million. These guidelines will go into effect on April 1, 2022.



Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule

U.S. DEPARTMENT OF THE TREASURY

January 2022



The Overview of the Final Rule provides a summary of major provisions of the final rule for informational purposes and is intended as a brief, simplified user guide to the final rule provisions.

The descriptions provided in this document summarize key provisions of the final rule but are non-exhaustive, do not describe all terms and conditions associated with the use of SLFRF, and do not describe all requirements that may apply to this funding. Any SLFRF funds received are also subject to the terms and conditions of the agreement entered into by Treasury and the respective jurisdiction, which incorporate the provisions of the final rule and the guidance that implements this program.



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Attachment: Memo to Council - ARP Funds Final Guidelines (5417 : Final ARPA Guidelines Report and Discussion)



Introduction

The Coronavirus State and Local Fiscal Recovery Funds (SLFRF), a part of the American Rescue Plan, delivers \$350 billion to state, local, and Tribal governments across the country to support their response to and recovery from the COVID-19 public health emergency. The program ensures that governments have the resources needed to:

- Fight the pandemic and support families and businesses struggling with its public health and economic impacts,
- Maintain vital public services, even amid declines in revenue, and
- Build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity.

EARLY PROGRAM IMPLEMENTATION

In May 2021, Treasury published the Interim final rule (IFR) describing eligible and ineligible uses of funds (as well as other program provisions), sought feedback from the public on these program rules, and began to distribute funds. The IFR went immediately into effect in May, and since then, governments have used SLFRF funds to meet their immediate pandemic response needs and begin building a strong and equitable recovery, such as through providing vaccine incentives, development of affordable housing, and construction of infrastructure to deliver safe and reliable water.

As governments began to deploy this funding in their communities, Treasury carefully considered the feedback provided through its public comment process and other forums. Treasury received over 1,500 comments, participated in hundreds of meetings, and received correspondence from a wide range of governments and other stakeholders.

KEY CHANGES AND CLARIFICATIONS IN THE FINAL RULE

The final rule delivers broader flexibility and greater simplicity in the program, responsive to feedback in the comment process. Among other clarifications and changes, the final rule provides the features below.

Replacing Lost Public Sector Revenue

The final rule offers a standard allowance for revenue loss of \$10 million, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation. Recipients that select the standard allowance may use that amount – in many cases their full award – for government services, with streamlined reporting requirements.

Public Health and Economic Impacts

In addition to programs and services, the final rule clarifies that recipients can use funds for capital expenditures that support an eligible COVID-19 public health or economic response. For example, recipients may build certain affordable housing, childcare facilities, schools, hospitals, and other projects consistent with final rule requirements.



In addition, the final rule provides an expanded set of households and communities that are presumed to be “impacted” and “disproportionately impacted” by the pandemic, thereby allowing recipients to provide responses to a broad set of households and entities without requiring additional analysis. Further, the final rule provides a broader set of uses available for these communities as part of COVID-19 public health and economic response, including making affordable housing, childcare, early learning, and services to address learning loss during the pandemic eligible in all impacted communities and making certain community development and neighborhood revitalization activities eligible for disproportionately impacted communities.

Further, the final rule allows for a broader set of uses to restore and support government employment, including hiring above a recipient’s pre-pandemic baseline, providing funds to employees that experienced pay cuts or furloughs, avoiding layoffs, and providing retention incentives.

Premium Pay

The final rule delivers more streamlined options to provide premium pay, by broadening the share of eligible workers who can receive premium pay without a written justification while maintaining a focus on lower-income and frontline workers performing essential work.

Water, Sewer & Broadband Infrastructure

The final rule significantly broadens eligible broadband infrastructure investments to address challenges with broadband access, affordability, and reliability, and adds additional eligible water and sewer infrastructure investments, including a broader range of lead remediation and stormwater management projects.

FINAL RULE EFFECTIVE DATE

The final rule takes effect on April 1, 2022. Until that time, the interim final rule remains in effect; funds used consistently with the IFR while it is in effect are in compliance with the SLFRF program.

However, recipients can choose to take advantage of the final rule’s flexibilities and simplifications now, even ahead of the effective date. Treasury will not take action to enforce the interim final rule to the extent that a use of funds is consistent with the terms of the final rule, regardless of when the SLFRF funds were used. Recipients may consult the *Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule*, which can be found on Treasury’s website, for more information on compliance with the interim final rule and the final rule.



Overview of the Program

The Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program provides substantial flexibility for each jurisdiction to meet local needs within the four separate eligible use categories. This Overview of the Final Rule addresses the four eligible use categories ordered from the broadest and most flexible to the most specific.

Recipients may use SLFRF funds to:

- **Replace lost public sector revenue**, using this funding to provide government services up to the amount of revenue loss due to the pandemic.
 - Recipients may determine their revenue loss by choosing between two options:
 - A standard allowance of up to \$10 million in aggregate, not to exceed their award amount, during the program;
 - Calculating their jurisdiction’s specific revenue loss each year using Treasury’s formula, which compares actual revenue to a counterfactual trend.
 - Recipients may use funds up to the amount of revenue loss for government services; generally, services traditionally provided by recipient governments are government services, unless Treasury has stated otherwise.
- **Support the COVID-19 public health and economic response** by addressing COVID-19 and its impact on public health as well as addressing economic harms to households, small businesses, nonprofits, impacted industries, and the public sector.
 - Recipients can use funds for programs, services, or capital expenditures that respond to the public health and negative economic impacts of the pandemic.
 - To provide simple and clear eligible uses of funds, Treasury provides a list of enumerated uses that recipients can provide to households, populations, or classes (i.e., groups) that experienced pandemic impacts.
 - Public health eligible uses include COVID-19 mitigation and prevention, medical expenses, behavioral healthcare, and preventing and responding to violence.
 - Eligible uses to respond to negative economic impacts are organized by the type of beneficiary: assistance to households, small businesses, and nonprofits.
 - Each category includes assistance for “impacted” and “disproportionately impacted” classes: impacted classes experienced the general, broad-based impacts of the pandemic, while disproportionately impacted classes faced meaningfully more severe impacts, often due to preexisting disparities.
 - To simplify administration, the final rule presumes that some populations and groups were impacted or disproportionately impacted and are eligible for responsive services.

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- Eligible uses for assistance to impacted households include aid for re-employment, job training, food, rent, mortgages, utilities, affordable housing development, childcare, early education, addressing learning loss, and many more uses.
- Eligible uses for assistance to impacted small businesses or nonprofits include loans or grants to mitigate financial hardship, technical assistance for small businesses, and many more uses.
- Recipients can also provide assistance to impacted industries like travel, tourism, and hospitality that faced substantial pandemic impacts, or address impacts to the public sector, for example by re-hiring public sector workers cut during the crisis.
- Recipients providing funds for enumerated uses to populations and groups that Treasury has presumed eligible are clearly operating consistently with the final rule. Recipients can also identify (1) other populations or groups, beyond those presumed eligible, that experienced pandemic impacts or disproportionate impacts and (2) other programs, services, or capital expenditures, beyond those enumerated, to respond to those impacts.
- **Provide premium pay for eligible workers performing essential work**, offering additional support to those who have and will bear the greatest health risks because of their service in critical sectors.
 - Recipients may provide premium pay to eligible workers – generally those working in-person in key economic sectors – who are below a wage threshold or non-exempt from the Fair Labor Standards Act overtime provisions, or if the recipient submits justification that the premium pay is responsive to workers performing essential work.
- **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, to support vital wastewater and stormwater infrastructure, and to expand affordable access to broadband internet.
 - Recipients may fund a broad range of water and sewer projects, including those eligible under the EPA’s Clean Water State Revolving Fund, EPA’s Drinking Water State Revolving Fund, and certain additional projects, including a wide set of lead remediation, stormwater infrastructure, and aid for private wells and septic units.
 - Recipients may fund high-speed broadband infrastructure in areas of need that the recipient identifies, such as areas without access to adequate speeds, affordable options, or where connections are inconsistent or unreliable; completed projects must participate in a low-income subsidy program.

While recipients have considerable flexibility to use funds to address the diverse needs of their communities, some restrictions on use apply across all eligible use categories. These include:

- **For states and territories:** No offsets of a reduction in net tax revenue resulting from a change in state or territory law.

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- **For all recipients except for Tribal governments:** No extraordinary contributions to a pension fund for the purpose of reducing an accrued, unfunded liability.
- **For all recipients:** No payments for debt service and replenishments of rainy day funds; no satisfaction of settlements and judgments; no uses that contravene or violate the American Rescue Plan Act, Uniform Guidance conflicts of interest requirements, and other federal, state, and local laws and regulations.

Under the SLFRF program, funds must be used for costs incurred on or after March 3, 2021. Further, funds must be obligated by December 31, 2024, and expended by December 31, 2026. This time period, during which recipients can expend SLFRF funds, is the “period of performance.”

In addition to SLFRF, the American Rescue Plan includes other sources of funding for state and local governments, including the [Coronavirus Capital Projects Fund](#) to fund critical capital investments including broadband infrastructure; the [Homeowner Assistance Fund](#) to provide relief for our country’s most vulnerable homeowners; the [Emergency Rental Assistance Program](#) to assist households that are unable to pay rent or utilities; and the [State Small Business Credit Initiative](#) to fund small business credit expansion initiatives. Eligible recipients are encouraged to visit the Treasury website for more information.



Replacing Lost Public Sector Revenue

The Coronavirus State and Local Fiscal Recovery Funds provide needed fiscal relief for recipients that have experienced revenue loss due to the onset of the COVID-19 public health emergency. Specifically, SLFRF funding may be used to pay for “government services” in an amount equal to the revenue loss experienced by the recipient due to the COVID-19 public health emergency.

Government services generally include any service traditionally provided by a government, including construction of roads and other infrastructure, provision of public safety and other services, and health and educational services. Funds spent under government services are subject to streamlined reporting and compliance requirements.

In order to use funds under government services, recipients should first determine revenue loss. They may, then, spend up to that amount on general government services.

DETERMINING REVENUE LOSS

Recipients have two options for how to determine their amount of revenue loss. Recipients must choose one of the two options and cannot switch between these approaches after an election is made.

1. Recipients may elect a “standard allowance” of \$10 million to spend on government services through the period of performance.

Under this option, which is newly offered in the final rule Treasury presumes that up to \$10 million in revenue has been lost due to the public health emergency and recipients are permitted to use that amount (not to exceed the award amount) to fund “government services.” The standard allowance provides an estimate of revenue loss that is based on an extensive analysis of average revenue loss across states and localities, and offers a simple, convenient way to determine revenue loss, particularly for SLFRF’s smallest recipients.

All recipients may elect to use this standard allowance instead of calculating lost revenue using the formula below, including those with total allocations of \$10 million or less. Electing the standard allowance does not increase or decrease a recipient’s total allocation.

2. Recipients may calculate their actual revenue loss according to the formula articulated in the final rule.

Under this option, recipients calculate revenue loss at four distinct points in time, either at the end of each calendar year (e.g., December 31 for years 2020, 2021, 2022, and 2023) or the end of each fiscal year of the recipient. Under the flexibility provided in the final rule, recipients can choose whether to use calendar or fiscal year dates but must be consistent throughout the period of performance. Treasury has also provided several adjustments to the definition of general revenue in the final rule.

To calculate revenue loss at each of these dates, recipients must follow a four-step process:

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- a. Calculate revenues collected in the most recent full fiscal year prior to the public health emergency (i.e., last full fiscal year before January 27, 2020), called the *base year revenue*.
- b. Estimate *counterfactual revenue*, which is equal to the following formula, where n is the number of months elapsed since the end of the base year to the calculation date:

$$\text{base year revenue} \times (1 + \text{growth adjustment})^{\frac{n}{12}}$$

The *growth adjustment* is the greater of either a standard growth rate—5.2 percent—or the recipient’s average annual revenue growth in the last full three fiscal years prior to the COVID-19 public health emergency.

- c. Identify *actual revenue*, which equals revenues collected over the twelve months immediately preceding the calculation date.

Under the final rule, recipients must adjust actual revenue totals for the effect of tax cuts and tax increases that are adopted after the date of adoption of the final rule (January 6, 2022). Specifically, the estimated fiscal impact of tax cuts and tax increases adopted after January 6, 2022, must be added or subtracted to the calculation of actual revenue for purposes of calculation dates that occur on or after April 1, 2022.

Recipients may subtract from their calculation of actual revenue the effect of tax increases enacted prior to the adoption of the final rule. Note that recipients that elect to remove the effect of tax increases enacted before the adoption of the final rule must also remove the effect of tax decreases enacted before the adoption of the final rule, such that they are accurately removing the effect of tax policy changes on revenue.

- d. Revenue loss for the calculation date is equal to *counterfactual revenue* minus *actual revenue* (adjusted for tax changes) for the twelve-month period. If actual revenue exceeds counterfactual revenue, the loss is set to zero for that twelve-month period. Revenue loss for the period of performance is the sum of the revenue loss on for each calculation date.

The supplementary information in the final rule provides an example of this calculation, which recipients may find helpful, in the Revenue Loss section.



SPENDING ON GOVERNMENT SERVICES

Recipients can use SLFRF funds on government services up to the revenue loss amount, whether that be the standard allowance amount or the amount calculated using the above approach. **Government services generally include *any service traditionally provided by a government***, unless Treasury has stated otherwise. Here are some common examples, although this list is not exhaustive:

- ✓ Construction of schools and hospitals
- ✓ Road building and maintenance, and other infrastructure
- ✓ Health services
- ✓ General government administration, staff, and administrative facilities
- ✓ Environmental remediation
- ✓ Provision of police, fire, and other public safety services (including purchase of fire trucks and police vehicles)

Government services is the most flexible eligible use category under the SLFRF program, and funds are subject to streamlined reporting and compliance requirements. Recipients should be mindful that certain restrictions, which are detailed further in the Restrictions on Use section and apply to all uses of funds, apply to government services as well.



Responding to Public Health and Economic Impacts of COVID-19

The Coronavirus State and Local Fiscal Recovery Funds provide resources for governments to meet the public health and economic needs of those impacted by the pandemic in their communities, as well as address longstanding health and economic disparities, which amplified the impact of the pandemic in disproportionately impacted communities, resulting in more severe pandemic impacts.

The eligible use category to respond to public health and negative economic impacts is organized around the types of assistance a recipient may provide and includes several sub-categories:

- public health,
- assistance to households,
- assistance to small businesses,
- assistance to nonprofits,
- aid to impacted industries, and
- public sector capacity.

In general, to identify eligible uses of funds in this category, recipients should (1) identify a COVID-19 public health or economic impact on an individual or class (i.e., a group) and (2) design a program that responds to that impact. Responses should be related and reasonably proportional to the harm identified and reasonably designed to benefit those impacted.

To provide simple, clear eligible uses of funds that meet this standard, Treasury provides a non-exhaustive list of enumerated uses that respond to pandemic impacts. Treasury also presumes that some populations experienced pandemic impacts and are eligible for responsive services. In other words, recipients providing enumerated uses of funds to populations presumed eligible are clearly operating consistently with the final rule.¹

Recipients also have broad flexibility to (1) identify and respond to other pandemic impacts and (2) serve other populations that experienced pandemic impacts, beyond the enumerated uses and presumed eligible populations. Recipients can also identify groups or “classes” of beneficiaries that experienced pandemic impacts and provide services to those classes.

¹ However, please note that use of funds for enumerated uses may not be grossly disproportionate to the harm. Further, recipients should consult the Capital Expenditures section for more information about pursuing a capital expenditure; please note that enumerated capital expenditures are not presumed to be reasonably proportional responses to an identified harm except as provided in the Capital Expenditures section.

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Step	1. Identify COVID-19 public health or economic impact	2. Design a response that addresses or responds to the impact
Analysis	<ul style="list-style-type: none"> Can identify impact to a specific household, business or nonprofit or to a class of households, businesses, or nonprofits (i.e., group) Can also identify disproportionate impacts, or more severe impacts, to a specific beneficiary or to a class 	<ul style="list-style-type: none"> Types of responses can include a program, service, or capital expenditure Response should be related and reasonably proportional to the harm Response should also be reasonably designed to benefit impacted individual or class
Simplifying Presumptions	<ul style="list-style-type: none"> Final Rule presumes certain populations and classes are impacted and disproportionately impacted 	<ul style="list-style-type: none"> Final Rule provides non-exhaustive list of enumerated eligible uses that respond to pandemic impacts and disproportionate impacts

To assess eligibility of uses of funds, recipients should first determine the sub-category where their use of funds may fit (e.g., public health, assistance to households, assistance to small businesses), based on the entity that experienced the health or economic impact.² Then, recipients should refer to the relevant section for more details on each sub-category.

While the same overall eligibility standard applies to all uses of funds to respond to the public health and negative economic impacts of the pandemic, each sub-category has specific nuances on its application. In addition:

- Recipients interested in using funds for capital expenditures (i.e., investments in property, facilities, or equipment) should review the Capital Expenditures section in addition to the eligible use sub-category.
- Recipients interested in other uses of funds, beyond the enumerated uses, should refer to the section on “Framework for Eligible Uses Beyond Those Enumerated.”

² For example, a recipient interested in providing aid to unemployed individuals is addressing a negative economic impact experienced by a household and should refer to the section on assistance to households. Recipients should also be aware of the difference between “beneficiaries” and “sub-recipients.” Beneficiaries are households, small businesses, or nonprofits that can receive assistance based on impacts of the pandemic that they experienced. On the other hand, sub-recipients are organizations that carry out eligible uses on behalf of a government, often through grants or contracts. Sub-recipients do not need to have experienced a negative economic impact of the pandemic; rather, they are providing services to beneficiaries that experienced an impact.

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RESPONDING TO THE PUBLIC HEALTH EMERGENCY

While the country has made tremendous progress in the fight against COVID-19, including a historic vaccination campaign, the disease still poses a grave threat to Americans' health and the economy. Providing state, local, and Tribal governments the resources needed to fight the COVID-19 pandemic is a core goal of the Coronavirus State and Local Fiscal Recovery Funds, as well as addressing the other ways that the pandemic has impacted public health. Treasury has identified several public health impacts of the pandemic and enumerated uses of funds to respond to impacted populations.

- **COVID-19 mitigation and prevention.** The pandemic has broadly impacted Americans and recipients can provide services to prevent and mitigate COVID-19 to the general public or to small businesses, nonprofits, and impacted industries in general. Enumerated eligible uses include:
 - ✓ Vaccination programs, including vaccine incentives and vaccine sites
 - ✓ Testing programs, equipment and sites
 - ✓ Monitoring, contact tracing & public health surveillance (e.g., monitoring for variants)
 - ✓ Public communication efforts
 - ✓ Public health data systems
 - ✓ COVID-19 prevention and treatment equipment, such as ventilators and ambulances
 - ✓ Medical and PPE/protective supplies
 - ✓ Support for isolation or quarantine
 - ✓ Ventilation system installation and improvement
 - ✓ Technical assistance on mitigation of COVID-19 threats to public health and safety
 - ✓ Transportation to reach vaccination or testing sites, or other prevention and mitigation services for vulnerable populations
 - ✓ Support for prevention, mitigation, or other services in congregate living facilities, public facilities, and schools
 - ✓ Support for prevention and mitigation strategies in small businesses, nonprofits, and impacted industries
 - ✓ Medical facilities generally dedicated to COVID-19 treatment and mitigation (e.g., ICUs, emergency rooms)
 - ✓ Temporary medical facilities and other measures to increase COVID-19 treatment capacity
 - ✓ Emergency operations centers & emergency response equipment (e.g., emergency response radio systems)
 - ✓ Public telemedicine capabilities for COVID-19 related treatment



- **Medical expenses.** Funds may be used for expenses to households, medical providers, or others that incurred medical costs due to the pandemic, including:
 - ✓ Unreimbursed expenses for medical care for COVID-19 testing or treatment, such as uncompensated care costs for medical providers or out-of-pocket costs for individuals
 - ✓ Paid family and medical leave for public employees to enable compliance with COVID-19 public health precautions
 - ✓ Emergency medical response expenses
 - ✓ Treatment of long-term symptoms or effects of COVID-19

- **Behavioral health care, such as mental health treatment, substance use treatment, and other behavioral health services.** Treasury recognizes that the pandemic has broadly impacted Americans' behavioral health and recipients can provide these services to the general public to respond. Enumerated eligible uses include:
 - ✓ Prevention, outpatient treatment, inpatient treatment, crisis care, diversion programs, outreach to individuals not yet engaged in treatment, harm reduction & long-term recovery support
 - ✓ Enhanced behavioral health services in schools
 - ✓ Services for pregnant women or infants born with neonatal abstinence syndrome
 - ✓ Support for equitable access to reduce disparities in access to high-quality treatment
 - ✓ Peer support groups, costs for residence in supportive housing or recovery housing, and the 988 National Suicide Prevention Lifeline or other hotline services
 - ✓ Expansion of access to evidence-based services for opioid use disorder prevention, treatment, harm reduction, and recovery
 - ✓ Behavioral health facilities & equipment

- **Preventing and responding to violence.** Recognizing that violence – and especially gun violence – has increased in some communities due to the pandemic, recipients may use funds to respond in these communities through:
 - ✓ Referrals to trauma recovery services for victims of crime
 - ✓ Community violence intervention programs, including:
 - Evidence-based practices like focused deterrence, with wraparound services such as behavioral therapy, trauma recovery, job training, education, housing and relocation services, and financial assistance
 - ✓ In communities experiencing increased gun violence due to the pandemic:
 - Law enforcement officers focused on advancing community policing
 - Enforcement efforts to reduce gun violence, including prosecution
 - Technology & equipment to support law enforcement response

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RESPONDING TO NEGATIVE ECONOMIC IMPACTS

The pandemic caused severe economic damage and, while the economy is on track to a strong recovery, much work remains to continue building a robust, resilient, and equitable economy in the wake of the crisis and to ensure that the benefits of this recovery reach all Americans. While the pandemic impacted millions of American households and businesses, some of its most severe impacts fell on low-income and underserved communities, where pre-existing disparities amplified the impact of the pandemic and where the most work remains to reach a full recovery.

The final rule recognizes that the pandemic caused broad-based impacts that affected many communities, households, and small businesses across the country; for example, many workers faced unemployment and many small businesses saw declines in revenue. The final rule describes these as “impacted” households, communities, small businesses, and nonprofits.

At the same time, the pandemic caused disproportionate impacts, or more severe impacts, in certain communities. For example, low-income and underserved communities have faced more severe health and economic outcomes like higher rates of COVID-19 mortality and unemployment, often because pre-existing disparities exacerbated the impact of the pandemic. The final rule describes these as “disproportionately impacted” households, communities, small businesses, and nonprofits.

To simplify administration of the program, the final rule presumes that certain populations were “impacted” and “disproportionately impacted” by the pandemic; these populations are presumed to be eligible for services that respond to the impact they experienced. The final rule also enumerates a non-exhaustive list of eligible uses that are recognized as responsive to the impacts or disproportionate impacts of COVID-19. Recipients providing enumerated uses to populations presumed eligible are clearly operating consistently with the final rule.

As discussed further in the section Framework for Eligible Uses Beyond Those Enumerated, recipients can also identify other pandemic impacts, impacted or disproportionately impacted populations or classes, and responses.



Assistance to Households

Impacted Households and Communities

Treasury presumes the following households and communities are impacted by the pandemic:

- ✓ Low- or-moderate income households or communities
- ✓ Households that experienced unemployment
- ✓ Households that experienced increased food or housing insecurity
- ✓ Households that qualify for the Children’s Health Insurance Program, Childcare Subsidies through the Child Care Development Fund (CCDF) Program, or Medicaid
- ✓ *When providing affordable housing programs:* households that qualify for the National Housing Trust Fund and Home Investment Partnerships Program
- ✓ *When providing services to address lost instructional time in K-12 schools:* any student that lost access to in-person instruction for a significant period of time

Low- or moderate-income households and communities are those with (i) income at or below 300 percent of the Federal Poverty Guidelines for the size of the household based on the most recently published poverty guidelines or (ii) income at or below 65 percent of the area median income for the county and size of household based on the most recently published data. For the vast majority of communities, the Federal Poverty Guidelines are higher than the area’s median income and using the Federal Poverty Guidelines would result in more households and communities being presumed eligible. Treasury has provided an easy-to-use spreadsheet with Federal Poverty Guidelines and area median income levels on its website.

Recipients can measure income for a specific household or the median income for the community, depending on whether the response they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community.

The income limit for 300 percent of the Federal Poverty Guidelines for a household of three is \$65,880 per year.³ In other words, recipients can always presume that a household earning below this level, or a community with median income below this level, is impacted by the pandemic and eligible for services to respond. Additionally, by following the steps detailed in the section Framework for Eligible Uses Beyond Those Enumerated, recipients may designate additional households as impacted or disproportionately impacted beyond these presumptions, and may also pursue projects not listed below in response to these impacts consistent with Treasury’s standards.

³ For recipients in Alaska, the income limit for 300 percent of the Federal Poverty Guidelines for a household of three is \$82,350 per year. For recipients in Hawaii, the income limit for 300 percent of the Federal Poverty Guidelines for a household of three is \$75,780 per year.



Treasury recognizes the enumerated projects below, which have been expanded under the final rule, as eligible to respond to impacts of the pandemic on households and communities:

- ✓ Food assistance & food banks
- ✓ Emergency housing assistance: rental assistance, mortgage assistance, utility assistance, assistance paying delinquent property taxes, counseling and legal aid to prevent eviction and homelessness & emergency programs or services for homeless individuals, including temporary residences for people experiencing homelessness
- ✓ Health insurance coverage expansion
- ✓ Benefits for surviving family members of individuals who have died from COVID-19
- ✓ Assistance to individuals who want and are available for work, including job training, public jobs programs and fairs, support for childcare and transportation to and from a jobsite or interview, incentives for newly-employed workers, subsidized employment, grants to hire underserved workers, assistance to unemployed individuals to start small businesses & development of job and workforce training centers
- ✓ Financial services for the unbanked and underbanked
- ✓ Burials, home repair & home weatherization
- ✓ Programs, devices & equipment for internet access and digital literacy, including subsidies for costs of access
- ✓ Cash assistance
- ✓ Paid sick, medical, and family leave programs
- ✓ Assistance in accessing and applying for public benefits or services
- ✓ Childcare and early learning services, home visiting programs, services for child welfare-involved families and foster youth & childcare facilities
- ✓ Assistance to address the impact of learning loss for K-12 students (e.g., high-quality tutoring, differentiated instruction)
- ✓ Programs or services to support long-term housing security: including development of affordable housing and permanent supportive housing
- ✓ Certain contributions to an Unemployment Insurance Trust Fund⁴

⁴ Recipients may only use SLFRF funds for contributions to unemployment insurance trust funds and repayment of the principal amount due on advances received under Title XII of the Social Security Act up to an amount equal to (i) the difference between the balance in the recipient's unemployment insurance trust fund as of January 27, 2020 and the balance of such account as of May 17, 2021, plus (ii) the principal amount outstanding as of May 17, 2021 on any advances received under Title XII of the Social Security Act between January 27, 2020 and May 17, 2021. Further, recipients may use SLFRF funds for the payment of any interest due on such Title XII advances. Additionally, a recipient that deposits SLFRF funds into its unemployment insurance trust fund to fully restore the pre-pandemic balance may not draw down that balance and deposit more SLFRF funds, back up to the pre-pandemic balance. Recipients that deposit SLFRF funds into an unemployment insurance trust fund, or use SLFRF funds to repay principal on Title XII advances, may not take action to reduce benefits available to unemployed workers by changing the computation method governing regular unemployment compensation in a way that results in a reduction of average weekly benefit amounts or the number of weeks of benefits payable (i.e., maximum benefit entitlement).

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Disproportionately Impacted Households and Communities

Treasury presumes the following households and communities are disproportionately impacted by the pandemic:

- ✓ Low -income households and communities
- ✓ Households residing in Qualified Census Tracts
- ✓ Households that qualify for certain federal benefits⁵
- ✓ Households receiving services provided by Tribal governments
- ✓ Households residing in the U.S. territories or receiving services from these governments

Low-income households and communities are those with (i) income at or below 185 percent of the Federal Poverty Guidelines for the size of its household based on the most recently published poverty guidelines or (ii) income at or below 40 percent of area median income for its county and size of household based on the most recently published data. For the vast majority of communities, the Federal Poverty Guidelines level is higher than the area median income level and using this level would result in more households and communities being presumed eligible. Treasury has provided an easy-to-use spreadsheet with Federal Poverty Guidelines and area median income levels on its website.

Recipients can measure income for a specific household or the median income for the community, depending on whether the service they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community.

The income limit for 185 percent of the Federal Poverty Guidelines for a household of three is \$40,626 per year.⁶ In other words, recipients can always presume that a household earning below this level, or a community with median income below this level, is disproportionately impacted by the pandemic and eligible for services to respond.

⁵ These programs are Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Free- and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs, Medicare Part D Low-Income Subsidies, Supplemental Security Income (SSI), Head Start and/or Early Head Start, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Section 8 Vouchers, Low-Income Home Energy Assistance Program (LIHEAP), and Pell Grants. For services to address educational disparities, Treasury will recognize Title I eligible schools as disproportionately impacted and responsive services that support the school generally or support the whole school as eligible.

⁶ For recipients in Alaska, the income limit for 185 percent of the Federal Poverty Guidelines for a household of three is \$50,783 per year. For recipients in Hawaii, the income limit for 185 percent of the Federal Poverty Guidelines for a household of three is \$46,731 per year



Treasury recognizes the enumerated projects below, which have been expanded under the final rule, as eligible to respond to disproportionate impacts of the pandemic on households and communities:

- ✓ Pay for community health workers to help households access health & social services
- ✓ Remediation of lead paint or other lead hazards
- ✓ Primary care clinics, hospitals, integration of health services into other settings, and other investments in medical equipment & facilities designed to address health disparities
- ✓ Housing vouchers & assistance relocating to neighborhoods with higher economic opportunity
- ✓ Investments in neighborhoods to promote improved health outcomes
- ✓ Improvements to vacant and abandoned properties, including rehabilitation or maintenance, renovation, removal and remediation of environmental contaminants, demolition or deconstruction, greening/vacant lot cleanup & conversion to affordable housing⁷
- ✓ Services to address educational disparities, including assistance to high-poverty school districts & educational and evidence-based services to address student academic, social, emotional, and mental health needs
- ✓ Schools and other educational equipment & facilities

⁷ Please see the final rule for further details and conditions applicable to this eligible use. This includes Treasury's presumption that demolition of vacant or abandoned residential properties that results in a net reduction in occupiable housing units for low- and moderate-income individuals in an area where the availability of such housing is lower than the need for such housing is ineligible for support with SLFRF funds.

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Assistance to Small Businesses

Small businesses have faced widespread challenges due to the pandemic, including periods of shutdown, declines in revenue, or increased costs. The final rule provides many tools for recipients to respond to the impacts of the pandemic on small businesses, or disproportionate impacts on businesses where pre-existing disparities like lack of access to capital compounded the pandemic's effects.

Small businesses eligible for assistance are those that experienced negative economic impacts or disproportionate impacts of the pandemic and meet the definition of "small business," specifically:

1. Have no more than 500 employees, or if applicable, the size standard in number of employees [established](#) by the Administrator of the Small Business Administration for the industry in which the business concern or organization operates, and
2. Are a small business concern as defined in section 3 of the Small Business Act⁸ (which includes, among other requirements, that the business is independently owned and operated and is not dominant in its field of operation).

Impacted Small Businesses

Recipients can identify small businesses impacted by the pandemic, and measures to respond, in many ways; for example, recipients could consider:

- | | |
|---------------------------------------|--|
| ✓ Decreased revenue or gross receipts | ✓ Capacity to weather financial hardship |
| ✓ Financial insecurity | ✓ Challenges covering payroll, rent or mortgage, and other operating costs |
| ✓ Increased costs | |

Assistance to small businesses that experienced negative economic impacts includes the following enumerated uses:

- | | |
|---|--|
| ✓ Loans or grants to mitigate financial hardship, such as by supporting payroll and benefits, costs to retain employees, and mortgage, rent, utility, and other operating costs | ✓ Technical assistance, counseling, or other services to support business planning |
|---|--|

Disproportionately Impacted Small Businesses

Treasury presumes that the following small businesses are disproportionately impacted by the pandemic:

⁸ 15 U.S.C. 632.



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- ✓ Small businesses operating in Qualified Census Tracts
- ✓ Small businesses operated by Tribal governments or on Tribal lands
- ✓ Small businesses operating in the U.S. territories

Assistance to disproportionately impacted small businesses includes the following enumerated uses, which have been expanded under the final rule:

- ✓ Rehabilitation of commercial properties, storefront improvements & façade improvements
- ✓ Technical assistance, business incubators & grants for start-up or expansion costs for small businesses
- ✓ Support for microbusinesses, including financial, childcare, and transportation costs



Assistance to Nonprofits

Nonprofits have faced significant challenges due to the pandemic's increased demand for services and changing operational needs, as well as declines in revenue sources such as donations and fees.

Nonprofits eligible for assistance are those that experienced negative economic impacts or disproportionate impacts of the pandemic and meet the definition of "nonprofit"—specifically those that are 501(c)(3) or 501(c)(19) tax-exempt organizations.

Impacted Nonprofits

Recipients can identify nonprofits impacted by the pandemic, and measures to respond, in many ways; for example, recipients could consider:

- ✓ Decreased revenue (e.g., from donations and fees)
- ✓ Financial insecurity
- ✓ Increased costs (e.g., uncompensated increases in service need)
- ✓ Capacity to weather financial hardship
- ✓ Challenges covering payroll, rent or mortgage, and other operating costs

Assistance to nonprofits that experienced negative economic impacts includes the following enumerated uses:

- ✓ Loans or grants to mitigate financial hardship
- ✓ Technical or in-kind assistance or other services that mitigate negative economic impacts of the pandemic

Disproportionately Impacted Nonprofits

Treasury presumes that the following nonprofits are disproportionately impacted by the pandemic:

- ✓ Nonprofits operating in Qualified Census Tracts
- ✓ Nonprofits operated by Tribal governments or on Tribal lands
- ✓ Nonprofits operating in the U.S. territories

Recipients may identify appropriate responses that are related and reasonably proportional to addressing these disproportionate impacts.



Aid to Impacted Industries

Recipients may use SLFRF funding to provide aid to industries impacted by the COVID-19 pandemic. Recipients should first designate an impacted industry and then provide aid to address the impacted industry's negative economic impact.

This sub-category of eligible uses does not separately identify disproportionate impacts and corresponding responsive services.

1. **Designating an impacted industry.** There are two main ways an industry can be designated as "impacted."
 1. If the industry is in the travel, tourism, or hospitality sectors (including Tribal development districts), the industry is impacted.
 2. If the industry is outside the travel, tourism, or hospitality sectors, the industry is impacted if:
 - a. The industry experienced at least 8 percent employment loss from pre-pandemic levels,⁹ or
 - b. The industry is experiencing comparable or worse economic impacts as the national tourism, travel, and hospitality industries as of the date of the final rule, based on the totality of economic indicators or qualitative data (if quantitative data is unavailable), and if the impacts were generally due to the COVID-19 public health emergency.

Recipients have flexibility to define industries broadly or narrowly, but Treasury encourages recipients to define narrow and discrete industries eligible for aid. State and territory recipients also have flexibility to define the industries with greater geographic precision; for example, a state may identify a particular industry in a certain region of a state as impacted.

2. **Providing eligible aid to the impacted industry.** Aid may only be provided to support businesses, attractions, and Tribal development districts operating prior to the pandemic and affected by required closures and other efforts to contain the pandemic. Further, aid should be generally broadly available to all businesses within the impacted industry to avoid potential conflicts of interest, and Treasury encourages aid to be first used for operational expenses, such as payroll, before being used on other types of costs.

⁹ Specifically, a recipient should compare the percent change in the number of employees of the recipient's identified industry and the national Leisure & Hospitality sector in the three months before the pandemic's most severe impacts began (a straight three-month average of seasonally-adjusted employment data from December 2019, January 2020, and February 2020) with the latest data as of the final rule (a straight three-month average of seasonally-adjusted employment data from September 2021, October 2021, and November 2021). For parity and simplicity, smaller recipients without employment data that measure industries in their specific jurisdiction may use data available for a broader unit of government for this calculation (e.g., a county may use data from the state in which it is located; a city may use data for the county, if available, or state in which it is located) solely for purposes of determining whether a particular industry is an impacted industry.

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Treasury recognizes the enumerated projects below as eligible responses to impacted industries.

- ✓ Aid to mitigate financial hardship, such as supporting payroll costs, lost pay and benefits for returning employees, support of operations and maintenance of existing equipment and facilities
- ✓ Technical assistance, counseling, or other services to support business planning
- ✓ COVID-19 mitigation and infection prevention measures (see section Public Health)

As with all eligible uses, recipients may pursue a project not listed above by undergoing the steps outlined in the section Framework for Eligible Uses Beyond Those Enumerated.



PUBLIC SECTOR CAPACITY

Recipients may use SLFRF funding to restore and bolster public sector capacity, which supports government's ability to deliver critical COVID-19 services. There are three main categories of eligible uses to bolster public sector capacity and workforce: Public Safety, Public Health, and Human Services Staff; Government Employment and Rehiring Public Sector Staff; and Effective Service Delivery.

Public Safety, Public Health, and Human Services Staff

SLFRF funding may be used for payroll and covered benefits for public safety, public health, health care, human services and similar employees of a recipient government, for the portion of the employee's time spent responding to COVID-19. Recipients should follow the steps below.

1. Identify eligible public safety, public health, and human services staff. Public safety staff include:

- ✓ Police officers (including state police officers)
- ✓ Sheriffs and deputy sheriffs
- ✓ Firefighters
- ✓ Emergency medical responders
- ✓ Correctional and detention officers
- ✓ Dispatchers and supervisor personnel that directly support public safety staff

Public health staff include:

- ✓ Employees involved in providing medical and other physical or mental health services to patients and supervisory personnel, including medical staff assigned to schools, prisons, and other such institutions
- ✓ Laboratory technicians, medical examiners, morgue staff, and other support services essential for patient care
- ✓ Employees of public health departments directly engaged in public health matters and related supervisory personnel

Human services staff include:

- ✓ Employees providing or administering social services and public benefits
- ✓ Child welfare services employees
- ✓ Child, elder, or family care employees

2. Assess portion of time spent on COVID-19 response for eligible staff.

Recipients can use a variety of methods to assess the share of an employees' time spent responding to COVID-19, including using reasonable estimates—such as estimating the share of time based on discussions with staff and applying that share to all employees in that position.

For administrative convenience, recipients can consider public health and safety employees entirely devoted to responding to COVID-19 (and their payroll and benefits fully covered by SLFRF) if the



employee, or his or her operating unit or division, is “primarily dedicated” to responding to COVID-19. Primarily dedicated means that more than half of the employee, unit, or division’s time is dedicated to responding to COVID-19.

Recipients must periodically reassess their determination and maintain records to support their assessment, although recipients do not need to track staff hours.

3. **Use SLFRF funding for payroll and covered benefits for the portion of eligible staff time spent on COVID-19 response.** SLFRF funding may be used for payroll and covered benefits for the portion of the employees’ time spent on COVID-19 response, as calculated above, through the period of performance.

Government Employment and Rehiring Public Sector Staff

Under the increased flexibility of the final rule, SLFRF funding may be used to support a broader set of uses to restore and support public sector employment. Eligible uses include hiring up to a pre-pandemic baseline that is adjusted for historic underinvestment in the public sector, providing additional funds for employees who experienced pay cuts or were furloughed, avoiding layoffs, providing worker retention incentives, and paying for ancillary administrative costs related to hiring, support, and retention.

- **Restoring pre-pandemic employment.** Recipients have two options to restore pre-pandemic employment, depending on the recipient’s needs.
 - *If the recipient simply wants to hire back employees for pre-pandemic positions:* Recipients may use SLFRF funds to hire employees for the same positions that existed on January 27, 2020 but that were unfilled or eliminated as of March 3, 2021. Recipients may use SLFRF funds to cover payroll and covered benefits for such positions through the period of performance.
 - *If the recipient wants to hire above the pre-pandemic baseline and/or would like to have flexibility in positions:* Recipients may use SLFRF funds to pay for payroll and covered benefits associated with the recipient increasing its number of budgeted FTEs up to 7.5 percent above its pre-pandemic baseline. Specifically, recipients should undergo the following steps:
 - a. Identify the recipient’s budgeted FTE level on January 27, 2020. This includes all budgeted positions, filled and unfilled. This is called the *pre-pandemic baseline*.
 - b. Multiply the pre-pandemic baseline by 1.075. This is called the *adjusted pre-pandemic baseline*.
 - c. Identify the recipient’s budgeted FTE level on March 3, 2021, which is the beginning of the period of performance for SLFRF funds. Recipients may, but are not required to, exclude the number of FTEs dedicated to responding to the COVID-19 public health emergency. This is called the *actual number of FTEs*.
 - d. Subtract the *actual number of FTEs* from the *adjusted pre-pandemic baseline* to calculate the number of FTEs that can be covered by SLFRF funds. Recipients do not have to hire for the same roles that existed pre-pandemic.

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Recipients may use SLFRF funds to cover payroll and covered benefits through the period of performance; these employees must have begun their employment on or after March 3, 2021. Recipients may only use SLFRF funds for additional FTEs hired over the March 3, 2021 level (i.e., the *actual number of FTEs*).

- **Supporting and retaining public sector workers.** Recipients can also use funds in other ways that support the public sector workforce.¹⁰ These include:
 - **Providing additional funding for employees who experienced pay reductions or were furloughed** since the onset of the pandemic, up to the difference in the employee’s pay, taking into account unemployment benefits received.
 - **Maintaining current compensation levels to prevent layoffs.** SLFRF funds may be used to maintain current compensation levels, with adjustments for inflation, in order to prevent layoffs that would otherwise be necessary.
 - **Providing worker retention incentives, including reasonable increases in compensation** to persuade employees to remain with the employer as compared to other employment options. Retention incentives must be entirely additive to an employee’s regular compensation, narrowly tailored to need, and should not exceed incentives traditionally offered by the recipient or compensation that alternative employers may offer to compete for the employees. Treasury presumes that retention incentives that are less than 25 percent of the rate of base pay for an individual employee or 10 percent for a group or category of employees are reasonably proportional to the need to retain employees, as long as other requirements are met.
- **Covering administrative costs associated with administering the hiring, support, and retention programs above.**

Effective Service Delivery

SLFRF funding may be used to improve the efficacy of public health and economic programs through tools like program evaluation, data, and outreach, as well as to address administrative needs caused or exacerbated by the pandemic. Eligible uses include:

- **Supporting program evaluation, data, and outreach through:**

¹⁰ Recipients should be able to substantiate that these uses of funds are substantially due to the public health emergency or its negative economic impacts (e.g., fiscal pressures on state and local budgets) and respond to its impacts. See the final rule for details on these uses.



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- ✓ Program evaluation and evidence resources
 - ✓ Data analysis resources to gather, assess, share, and use data
 - ✓ Technology infrastructure to improve access to and the user experience of government IT systems, as well as technology improvements to increase public access and delivery of government programs and services
- **Addressing administrative needs, including:**
 - ✓ Administrative costs for programs responding to the public health emergency and its economic impacts, including non-SLFRF and non-federally funded programs
 - ✓ Community outreach and engagement activities
 - ✓ Capacity building resources to support using data and evidence, including hiring staff, consultants, or technical assistance support
 - ✓ Address administrative needs caused or exacerbated by the pandemic, including addressing backlogs caused by shutdowns, increased repair or maintenance needs, and technology infrastructure to adapt government operations to the pandemic (e.g., video-conferencing software, data and case management systems)



CAPITAL EXPENDITURES

As described above, the final rule clarifies that recipients may use funds for programs, services, and capital expenditures that respond to the public health and negative economic impacts of the pandemic. Any use of funds in this category for a capital expenditure must comply with the capital expenditure requirements, in addition to other standards for uses of funds.

Capital expenditures are subject to the same eligibility standard as other eligible uses to respond to the pandemic's public health and economic impacts; specifically, they must be related and reasonably proportional to the pandemic impact identified and reasonably designed to benefit the impacted population or class.

For ease of administration, the final rule identifies enumerated types of capital expenditures that Treasury has identified as responding to the pandemic's impacts; these are listed in the applicable sub-category of eligible uses (e.g., public health, assistance to households, etc.). Recipients may also identify other responsive capital expenditures. Similar to other eligible uses in the SLFRF program, no pre-approval is required for capital expenditures.

To guide recipients' analysis of whether a capital expenditure meets the eligibility standard, recipients (with the exception of Tribal governments) must complete and meet the requirements of a written justification for capital expenditures equal to or greater than \$1 million. For large-scale capital expenditures, which have high costs and may require an extended length of time to complete, as well as most capital expenditures for non-enumerated uses of funds, Treasury requires recipients to submit their written justification as part of regular reporting. Specifically:

If a project has total capital expenditures of	and the use is enumerated by Treasury as eligible, then	and the use is beyond those enumerated by Treasury as eligible, then
Less than \$1 million	No Written Justification required	No Written Justification required
Greater than or equal to \$1 million, but less than \$10 million	Written Justification required but recipients are not required to submit as part of regular reporting to Treasury	Written Justification required and recipients must submit as part of regular reporting to Treasury
\$10 million or more	Written Justification required and recipients must submit as part of regular reporting to Treasury	

A Written Justification includes:

- *Description of the harm or need to be addressed.* Recipients should provide a description of the specific harm or need to be addressed and why the harm was exacerbated or caused by the public health emergency. Recipients may provide quantitative information on the extent and the type of harm, such as the number of individuals or entities affected.

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- *Explanation of why a capital expenditure is appropriate.* For example, recipients should include an explanation of why existing equipment and facilities, or policy changes or additional funding to pertinent programs or services, would be inadequate.
- *Comparison of proposed capital project against at least two alternative capital expenditures and demonstration of why the proposed capital expenditure is superior.* Recipients should consider the effectiveness of the capital expenditure in addressing the harm identified and the expected total cost (including pre-development costs) against at least two alternative capital expenditures.

Where relevant, recipients should consider the alternatives of improving existing capital assets already owned or leasing other capital assets.

Treasury presumes that the following capital projects are generally ineligible:

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| <ul style="list-style-type: none"> ✘ Construction of new correctional facilities as a response to an increase in rate of crime ✘ Construction of new congregate facilities to decrease spread of COVID-19 in the facility | <ul style="list-style-type: none"> ✘ Construction of convention centers, stadiums, or other large capital projects intended for general economic development or to aid impacted industries |
|---|---|

In undertaking capital expenditures, Treasury encourages recipients to adhere to strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also encourages recipients to prioritize in their procurements employers with high labor standards and to prioritize employers without recent violations of federal and state labor and employment laws.



FRAMEWORK FOR ELIGIBLE USES BEYOND THOSE ENUMERATED

As described above, recipients have broad flexibility to identify and respond to other pandemic impacts and serve other populations that experienced pandemic impacts, beyond the enumerated uses and presumed eligible populations. Recipients should undergo the following steps to decide whether their project is eligible:

Step	1. Identify COVID-19 public health or economic impact	2. Design a response that addresses or responds to the impact
Analysis	<ul style="list-style-type: none"> Can identify impact to a specific household, business or nonprofit or to a class of households, businesses or nonprofits (i.e., group) Can also identify disproportionate impacts, or more severe impacts, to a specific beneficiary or to a class 	<ul style="list-style-type: none"> Types of responses can include a program, service, or capital expenditure Response should be related and reasonably proportional to the harm Response should also be reasonably designed to benefit impacted individual or class

1. Identify a COVID-19 public health or negative economic impact on an individual or a class.

Recipients should identify an individual or class that is “impacted” or “disproportionately impacted” by the COVID-19 public health emergency or its negative economic impacts as well as the specific impact itself.

- “Impacted” entities are those impacted by the disease itself or the harmful consequences of the economic disruptions resulting from or exacerbated by the COVID-19 public health emergency. For example, an individual who lost their job or a small business that saw lower revenue during a period of closure would both have experienced impacts of the pandemic.
- “Disproportionately impacted” entities are those that experienced disproportionate public health or economic outcomes from the pandemic; Treasury recognizes that pre-existing disparities, in many cases, amplified the impacts of the pandemic, causing more severe impacts in underserved communities. For example, a household living in a neighborhood with limited access to medical care and healthy foods may have faced health disparities before the pandemic, like a higher rate of chronic health conditions, that contributed to more severe health outcomes during the COVID-19 pandemic.

The recipient may choose to identify these impacts at either the individual level or at a class level. If the recipient is identifying impacts at the individual level, they should retain documentation supporting the impact the individual experienced (e.g., documentation of lost revenues from a small business). Such documentation can be streamlined in many cases (e.g., self-attestation that a household requires food assistance).

Recipients also have broad flexibility to identify a “class” – or a group of households, small businesses, or nonprofits – that experienced an impact. In these cases, the recipients should

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first identify the class and the impact that it faced. Then, recipients only need to document that the individuals served fall within that class; recipients do not need to document a specific impact to each individual served. For example, a recipient could identify that restaurants in the downtown area faced substantial declines in revenue due to decreased foot traffic from workers; the recipient could develop a program to respond to the impact on that class and only needs to document that the businesses being served are restaurants in the downtown area.

Recipients should keep the following considerations in mind when designating a class:

- **There should be a relationship between the definition of the class and the proposed response.** Larger and less-specific classes are less likely to have experienced similar harms, which may make it more difficult to design a response that appropriately responds to those harms.
 - **Classes may be determined on a population basis or on a geographic basis,** and the response should be appropriately matched. For example, a response might be designed to provide childcare to single parents, regardless of which neighborhood they live in, or a response might provide a park to improve the health of a disproportionately impacted neighborhood.
 - **Recipients may designate classes that experienced disproportionate impact,** by assessing the impacts of the pandemic and finding that some populations experienced meaningfully more severe impacts than the general public. To determine these disproportionate impacts, recipients:
 - May designate classes based on academic research or government research publications (such as the citations provided in the supplementary information in the final rule), through analysis of their own data, or through analysis of other existing data sources.
 - May also consider qualitative research and sources to augment their analysis, or when quantitative data is not readily available. Such sources might include resident interviews or feedback from relevant state and local agencies, such as public health departments or social services departments.
 - Should consider the quality of the research, data, and applicability of analysis to their determination in all cases.
 - **Some of the enumerated uses may also be appropriate responses to the impacts experienced by other classes of beneficiaries.** It is permissible for recipients to provide these services to other classes, so long as the recipient determines that the response is also appropriate for those groups.
 - **Recipients may designate a class based on income level, including at levels higher than the final rule definition of "low- and moderate-income."** For example, a recipient may identify that households in their community with incomes above the final rule threshold for low-income nevertheless experienced disproportionate impacts from the pandemic and provide responsive services.
2. **Design a response that addresses or responds to the impact.** Programs, services, and other interventions must be reasonably designed to benefit the individual or class that experienced

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the impact. They must also be related and reasonably proportional to the extent and type of impact experienced. For example, uses that bear no relation or are grossly disproportionate to the type or extent of the impact would not be eligible.

“Reasonably proportional” refers to the scale of the response compared to the scale of the harm, as well as the targeting of the response to beneficiaries compared to the amount of harm they experienced; for example, it may not be reasonably proportional for a cash assistance program to provide a very small amount of aid to a group that experienced severe harm and a much larger amount to a group that experienced relatively little harm. Recipients should consider relevant factors about the harm identified and the response to evaluate whether the response is reasonably proportional. For example, recipients may consider the size of the population impacted and the severity, type, and duration of the impact. Recipients may also consider the efficacy, cost, cost-effectiveness, and time to delivery of the response.

For disproportionately impacted communities, recipients may design interventions that address broader pre-existing disparities that contributed to more severe health and economic outcomes during the pandemic, such as disproportionate gaps in access to health care or pre-existing disparities in educational outcomes that have been exacerbated by the pandemic.



Premium Pay

The Coronavirus State and Local Fiscal Recovery Funds may be used to provide premium pay to eligible workers performing essential work during the pandemic. Premium pay may be awarded to eligible workers up to \$13 per hour. Premium pay must be in addition to wages or remuneration (i.e., compensation) the eligible worker otherwise receives. Premium pay may not exceed \$25,000 for any single worker during the program.

Recipients should undergo the following steps to provide premium pay to eligible workers.

- 1. Identify an “eligible” worker.** Eligible workers include workers “needed to maintain continuity of operations of essential critical infrastructure sectors.” These sectors and occupations are eligible:

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| ✓ Health care | ✓ State, local, or Tribal government workforce |
| ✓ Emergency response | ✓ Workers providing vital services to Tribes |
| ✓ Sanitation, disinfection & cleaning | ✓ Educational, school nutrition, and other work required to operate a school facility |
| ✓ Maintenance | ✓ Laundry |
| ✓ Grocery stores, restaurants, food production, and food delivery | ✓ Elections |
| ✓ Pharmacy | ✓ Solid waste or hazardous materials management, response, and cleanup |
| ✓ Biomedical research | ✓ Work requiring physical interaction with patients |
| ✓ Behavioral health | ✓ Dental care |
| ✓ Medical testing and diagnostics | ✓ Transportation and warehousing |
| ✓ Home and community-based health care or assistance with activities of daily living | ✓ Hotel and commercial lodging facilities that are used for COVID-19 mitigation and containment |
| ✓ Family or child care | |
| ✓ Social services | |
| ✓ Public health | |
| ✓ Mortuary | |
| ✓ Critical clinical research, development, and testing necessary for COVID-19 response | |

Beyond this list, the chief executive (or equivalent) of a recipient government may designate additional non-public sectors as critical so long as doing so is necessary to protecting the health and wellbeing of the residents of such jurisdictions.

- 2. Verify that the eligible worker performs “essential work,”** meaning work that:

- Is not performed while teleworking from a residence; and
- Involves either:
 - a. regular, in-person interactions with patients, the public, or coworkers of the individual that is performing the work; or
 - b. regular physical handling of items that were handled by, or are to be handled by, patients, the public, or coworkers of the individual that is performing the work.



- 3. Confirm that the premium pay “responds to” workers performing essential work during the COVID-19 public health emergency.** Under the final rule, which broadened the share of eligible workers who can receive premium pay without a written justification, recipients may meet this requirement in one of three ways:
- Eligible worker receiving premium pay is earning (with the premium included) at or below 150 percent of their residing state or county’s average annual wage for all occupations, as defined by the Bureau of Labor Statistics’ [Occupational Employment and Wage Statistics](#), whichever is higher, on an annual basis; or
 - Eligible worker receiving premium pay is not exempt from the Fair Labor Standards Act overtime provisions; or
 - If a worker does not meet either of the above requirements, the recipient must submit written justification to Treasury detailing how the premium pay is otherwise responsive to workers performing essential work during the public health emergency. This may include a description of the essential worker’s duties, health, or financial risks faced due to COVID-19, and why the recipient determined that the premium pay was responsive. Treasury anticipates that recipients will easily be able to satisfy the justification requirement for front-line workers, like nurses and hospital staff.

Premium pay may be awarded in installments or lump sums (e.g., monthly, quarterly, etc.) and may be awarded to hourly, part-time, or salaried or non-hourly workers. Premium pay must be paid in addition to wages already received and may be paid retrospectively. A recipient may not use SLFRF to merely reimburse itself for premium pay or hazard pay already received by the worker, and premium pay may not be paid to volunteers.



Water & Sewer Infrastructure

The Coronavirus State and Local Fiscal Recovery Funds may be used to make necessary investments in water and sewer infrastructure. State, local, and Tribal governments have a tremendous need to address the consequences of deferred maintenance in drinking water systems and removal, management, and treatment of sewage and stormwater, along with additional resiliency measures needed to adapt to climate change.

Recipients may undertake the eligible projects below:

PROJECTS ELIGIBLE UNDER EPA'S CLEAN WATER STATE REVOLVING FUND (CWSRF)

Eligible projects under the CWSRF, and the final rule, include:

- ✓ Construction of publicly owned treatment works
- ✓ Projects pursuant to implementation of a nonpoint source pollution management program established under the Clean Water Act (CWA)
- ✓ Decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage
- ✓ Management and treatment of stormwater or subsurface drainage water
- ✓ Water conservation, efficiency, or reuse measures
- ✓ Development and implementation of a conservation and management plan under the CWA
- ✓ Watershed projects meeting the criteria set forth in the CWA
- ✓ Energy consumption reduction for publicly owned treatment works
- ✓ Reuse or recycling of wastewater, stormwater, or subsurface drainage water
- ✓ Security of publicly owned treatment works

Treasury encourages recipients to review the EPA handbook for the [CWSRF](#) for a full list of eligibilities.

PROJECTS ELIGIBLE UNDER EPA'S DRINKING WATER STATE REVOLVING FUND (DWSRF)

Eligible drinking water projects under the DWSRF, and the final rule, include:

- ✓ Facilities to improve drinking water quality
- ✓ Transmission and distribution, including improvements of water pressure or prevention of contamination in infrastructure and lead service line replacements
- ✓ New sources to replace contaminated drinking water or increase drought resilience, including aquifer storage and recovery system for water storage
- ✓ Green infrastructure, including green roofs, rainwater harvesting collection, permeable pavement
- ✓ Storage of drinking water, such as to prevent contaminants or equalize water demands
- ✓ Purchase of water systems and interconnection of systems
- ✓ New community water systems

Treasury encourages recipients to review the EPA handbook for the [DWSRF](#) for a full list of eligibilities.

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ADDITIONAL ELIGIBLE PROJECTS

With broadened eligibility under the final rule, SLFRF funds may be used to fund additional types of projects— such as additional stormwater infrastructure, residential wells, lead remediation, and certain rehabilitations of dams and reservoirs — beyond the CWSRF and DWSRF, if they are found to be “necessary” according to the definition provided in the final rule and outlined below.

- ✓ Culvert repair, resizing, and removal, replacement of storm sewers, and additional types of stormwater infrastructure
- ✓ Infrastructure to improve access to safe drinking water for individual served by residential wells, including testing initiatives, and treatment/remediation strategies that address contamination
- ✓ Dam and reservoir rehabilitation if primary purpose of dam or reservoir is for drinking water supply and project is necessary for provision of drinking water
- ✓ Broad set of lead remediation projects eligible under EPA grant programs authorized by the Water Infrastructure Improvements for the Nation (WIIN) Act, such as lead testing, installation of corrosion control treatment, lead service line replacement, as well as water quality testing, compliance monitoring, and remediation activities, including replacement of internal plumbing and faucets and fixtures in schools and childcare facilities

A “necessary” investment in infrastructure must be:

- (1) responsive to an identified need to achieve or maintain an adequate minimum level of service, which may include a reasonable projection of increased need, whether due to population growth or otherwise,
- (2) a cost-effective means for meeting that need, taking into account available alternatives, and
- (3) for investments in infrastructure that supply drinking water in order to meet projected population growth, projected to be sustainable over its estimated useful life.

Please note that DWSRF and CWSRF-eligible projects are generally presumed to be necessary investments. Additional eligible projects generally must be responsive to an identified need to achieve or maintain an adequate minimum level of service. Recipients are only required to assess cost-effectiveness of projects for the creation of new drinking water systems, dam and reservoir rehabilitation projects, or projects for the extension of drinking water service to meet population growth needs. Recipients should review the supplementary information to the final rule for more details on requirements applicable to each type of investment.

APPLICABLE STANDARDS & REQUIREMENTS

Treasury encourages recipients to adhere to strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also encourages recipients to prioritize in their procurements employers with high labor standards and to prioritize employers without recent violations of federal and state labor and employment laws.

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Broadband Infrastructure

The Coronavirus State and Local Fiscal Recovery Funds may be used to make necessary investments in broadband infrastructure, which has been shown to be critical for work, education, healthcare, and civic participation during the public health emergency. The final rule broadens the set of eligible broadband infrastructure investments that recipients may undertake.

Recipients may pursue investments in broadband infrastructure meeting technical standards detailed below, as well as an expanded set of cybersecurity investments.

BROADBAND INFRASTRUCTURE INVESTMENTS

Recipients should adhere to the following requirements when designing a broadband infrastructure project:

1. **Identify an eligible area for investment.** Recipients are encouraged to prioritize projects that are designed to serve locations without access to reliable wireline 100/20 Mbps broadband service (meaning service that reliably provides 100 Mbps download speed and 20 Mbps upload speed through a wireline connection), but are broadly able to invest in projects designed to provide service to locations with an identified need for additional broadband investment. Recipients have broad flexibility to define need in their community. Examples of need could include:

- ✓ Lack of access to a reliable high-speed broadband connection
- ✓ Lack of affordable broadband
- ✓ Lack of reliable service

If recipients are considering deploying broadband to locations where there are existing and enforceable federal or state funding commitments for reliable service of at least 100/20 Mbps, recipients must ensure that SLFRF funds are designed to address an identified need for additional broadband investment that is not met by existing federal or state funding commitments. Recipients must also ensure that SLFRF funds will not be used for costs that will be reimbursed by the other federal or state funding streams.

2. **Design project to meet high-speed technical standards.** Recipients are required to design projects to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds. In cases where it is not practicable, because of the excessive cost of the project or geography or topography of the area to be served by the project, eligible projects may be designed to reliably meet or exceed 100/20 Mbps and be scalable to a minimum of symmetrical 100 Mbps download and upload speeds.

Treasury encourages recipients to prioritize investments in fiber-optic infrastructure wherever feasible and to focus on projects that will achieve last-mile connections. Further, Treasury encourages recipients to prioritize support for broadband networks owned, operated by, or affiliated with local governments, nonprofits, and co-operatives.



3. **Require enrollment in a low-income subsidy program.** Recipients must require the service provider for a broadband project that provides service to households to either:
- ✓ Participate in the FCC’s Affordable Connectivity Program (ACP)
 - ✓ Provide access to a broad-based affordability program to low-income consumers that provides benefits commensurate to ACP

Treasury encourages broadband services to also include at least one low-cost option offered without data usage caps at speeds sufficient for a household with multiple users to simultaneously telework and engage in remote learning. Recipients are also encouraged to consult with the community on affordability needs.

CYBERSECURITY INVESTMENTS

SLFRF may be used for modernization of cybersecurity for existing and new broadband infrastructure, regardless of their speed delivery standards. This includes modernization of hardware and software.

APPLICABLE STANDARDS & REQUIREMENTS

Treasury encourages recipients to adhere to strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also encourages recipients to prioritize in their procurements employers with high labor standards and to prioritize employers without recent violations of federal and state labor and employment laws.



Restrictions on Use

While recipients have considerable flexibility to use Coronavirus State and Local Fiscal Recovery Funds to address the diverse needs of their communities, some restrictions on use of funds apply.

OFFSET A REDUCTION IN NET TAX REVENUE

- **States and territories may not use this funding to directly or indirectly offset a reduction in net tax revenue resulting from a change in law, regulation, or administrative interpretation beginning on March 3, 2021, through the last day of the fiscal year in which the funds provided have been spent.** If a state or territory cuts taxes during this period, it must demonstrate how it paid for the tax cuts from sources other than SLFRF, such as by enacting policies to raise other sources of revenue, by cutting spending, or through higher revenue due to economic growth. If the funds provided have been used to offset tax cuts, the amount used for this purpose must be repaid to the Treasury.

DEPOSITS INTO PENSION FUNDS

- **No recipients except Tribal governments may use this funding to make a deposit to a pension fund.** Treasury defines a “deposit” as an extraordinary contribution to a pension fund for the purpose of reducing an accrued, unfunded liability. While pension deposits are prohibited, recipients may use funds for routine payroll contributions connected to an eligible use of funds (e.g., for public health and safety staff). Examples of extraordinary payments include ones that:
 - ✘ Reduce a liability incurred prior to the start of the COVID-19 public health emergency and occur outside the recipient's regular timing for making the payment
 - ✘ Occur at the regular time for pension contributions but is larger than a regular payment would have been

ADDITIONAL RESTRICTIONS AND REQUIREMENTS

Additional restrictions and requirements that apply across all eligible use categories include:

- **No debt service or replenishing financial reserves.** Since SLFRF funds are intended to be used prospectively, recipients may not use SLFRF funds for debt service or replenishing financial reserves (e.g., rainy day funds).
- **No satisfaction of settlements and judgments.** Satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring in a judicial, administrative, or regulatory proceeding is itself not an eligible use. However, if a settlement requires the recipient to provide services or incur other costs that are an eligible use of SLFRF funds, SLFRF may be used for those costs.
- **Additional general restrictions.** SLFRF funds may not be used for a project that conflicts with or contravenes the purpose of the American Rescue Plan Act statute (e.g., uses of funds that

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U.S. DEPARTMENT OF THE TREASURY

undermine COVID-19 mitigation practices in line with CDC guidance and recommendations) and may not be used in violation of the Award Terms and Conditions or conflict of interest requirements under the Uniform Guidance. Other applicable laws and regulations, outside of SLFRF program requirements, may also apply (e.g., laws around procurement, contracting, conflicts-of-interest, environmental standards, or civil rights).



Program Administration

The Coronavirus State and Local Fiscal Recovery Funds final rule details a number of administrative processes and requirements, including on distribution of funds, timeline for use of funds, transfer of funds, treatment of loans, use of funds to meet non-federal match or cost-share requirements, administrative expenses, reporting on use of funds, and remediation and recoupment of funds used for ineligible purposes. This section provides a summary for the most frequently asked questions.

TIMELINE FOR USE OF FUNDS

Under the SLFRF, funds must be used for costs incurred on or after March 3, 2021. Further, costs must be obligated by December 31, 2024, and expended by December 31, 2026.

TRANSFERS

Recipients may undertake projects on their own or through subrecipients, which carry out eligible uses on behalf of a recipient, including pooling funds with other recipients or blending and braiding SLFRF funds with other sources of funds. Localities may also transfer their funds to the state through section 603(c)(4), which will decrease the locality's award and increase the state award amounts.

LOANS

Recipients may generally use SLFRF funds to provide loans for uses that are otherwise eligible, although there are special rules about how recipients should track program income depending on the length of the loan. Recipients should consult the final rule if they seek to utilize these provisions.

NON-FEDERAL MATCH OR COST-SHARE REQUIREMENTS

Funds available under the "revenue loss" eligible use category (sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act) generally may be used to meet the non-federal cost-share or matching requirements of other federal programs. However, note that SLFRF funds may not be used as the non-federal share for purposes of a state's Medicaid and CHIP programs because the Office of Management and Budget has approved a waiver as requested by the Centers for Medicare & Medicaid Services pursuant to 2 CFR 200.102 of the Uniform Guidance and related regulations.

SLFRF funds beyond those that are available under the revenue loss eligible use category may not be used to meet the non-federal match or cost-share requirements of other federal programs, other than as specifically provided for by statute. As an example, the Infrastructure Investment and Jobs Act provides that SLFRF funds may be used to meet the non-federal match requirements of authorized Bureau of Reclamation projects and certain broadband deployment projects. Recipients should consult the final rule for further details if they seek to utilize SLFRF funds as a match for these projects.

ADMINISTRATIVE EXPENSES

SLFRF funds may be used for direct and indirect administrative expenses involved in administering the program. For details on permissible direct and indirect administrative costs, recipients should refer to Treasury's [Compliance and Reporting Guidance](#). Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect costs.

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**REPORTING, COMPLIANCE & RECOUPMENT**

Recipients are required to comply with Treasury's [Compliance and Reporting Guidance](#), which includes submitting mandatory periodic reports to Treasury.

Funds used in violation of the final rule are subject to remediation and recoupment. As outlined in the final rule, Treasury may identify funds used in violation through reporting or other sources. Recipients will be provided with an initial written notice of recoupment with an opportunity to submit a request for reconsideration before Treasury provides a final notice of recoupment. If the recipient receives an initial notice of recoupment and does not submit a request for reconsideration, the initial notice will be deemed the final notice. Treasury may pursue other forms of remediation and monitoring in conjunction with, or as an alternative to, recoupment.



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

MEMORANDUM

TO: Honorable Mayor and Town Council
FROM: Roberto Gonzalez, Town Treasurer
DATE: January 31, 2022
SUBJECT: Transient Occupancy Tax Ordinance Update

BACKGROUND:

The attached Transient Occupancy Tax Ordinance update attached is to update the Town's existing ordinance. The update to the ordinance will align more to the current State ordinance effective as of September 1, 2021.

ORDINANCE TO AMEND ARTICLE VI OF CHAPTER 42 OF THE TOWN CODE
RELATING TO TRANSIENT OCCUPANCY TAXES

WHEREAS, The Town of Haymarket has a transient occupancy tax ordinance, codified as Article VI of Chapter 42, Town Code §§ 42-190 through 42-200, and

WHEREAS, The General Assembly has modified the statutes authorizing municipalities to impose and collect a transient occupancy tax, and

WHEREAS, The Town wishes to align its transient occupancy tax ordinance with current state law while retaining its current tax rate of 7%,

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Haymarket, meeting this ___ day of _____, 2022, in _____ session, that (i) the Town Council finds that amendments to its transient occupancy tax ordinance are needed due to the changes in enabling statutes, (ii) the Town Council recognizes the need to address accommodations intermediaries in the collection and remittance of transient occupancy taxes, and (iii) the Town Council hereby repeals Sections 42-190 through 42-197 and Sections 42-199 and 42-200 of the Town Code and adopts the following new Sections 42-201 through 42-210 which, together with existing Section 42-198, are the new Article VI of Chapter 42, Town Code:

§ 42-201 Definitions

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context clearly indicates a different meaning:

ACCOMMODATIONS – Any room or rooms, lodgings, or accommodations in any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration.

ACCOMMODATIONS FEE – The room charge less the discount room charge, if any, provided that the accommodations fee shall not be less than \$0.

ACCOMMODATIONS INTERMEDIARY - Any person other than an accommodations provider that facilitates the sale of an accommodation, charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including via one or more payment processors, between a customer and an accommodations provider.

"Accommodations intermediary" does not include a person:

1. If the accommodations are provided by an accommodations provider operating under a trademark, trade name, or service mark belonging to such person; or

2. Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodations provider to such person.

ACCOMMODATIONS PROVIDER – Any person that furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession or the sale of the right to use or possess.

AFFILIATE – With respect to any person, any other person directly or indirectly controlling, controlled by, or under common control with such person. For purposes of this definition, "control" (including controlled by and under common control with) shall mean the power, directly or indirectly, to direct or cause the direction of the management and policies of such person whether through ownership or voting securities or by contract or otherwise.

DISCOUNT ROOM CHARGE – The full amount charged by the accommodations provider to the accommodations intermediary, or an affiliate thereof, for furnishing the accommodations.

RETAIL SALE – A sale to any person for any purpose other than for resale.

ROOM CHARGE – The full retail price charged to the customer by the accommodations intermediary for the use of the accommodations, including any accommodations fee, before taxes. The room charge shall be determined in accordance with 23VAC10-210-730 and the related rulings of the Virginia Department of Taxation on the same.

TOWN – Any official authorized by the Town Council or the Town Manager to act on behalf of the Town of Haymarket in enforcing this Chapter.

TRANSIENT - Any person who, for a period of less than ninety (90) consecutive days, either at his own expense or at the expense of another, obtains accommodations for which a charge is made.

§ 42-202 Imposition of tax

There is hereby levied and imposed, in addition to all other taxes and fees of every kind imposed by law, on each transient obtaining accommodations, a tax equal to seven percent (7%) of the amount subject to tax under Town Code § 42-203.

§ 423-203 Scope of transient occupancy tax

- A. The transient lodging tax is imposed only for the use or possession of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.

- B. For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider shall collect the tax imposed pursuant to this article, computed on the total price paid for the use or possession of the accommodations, and shall remit the same to the locality and shall be liable for the same.
- C. For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall be deemed under this article as a facility making a retail sale of an accommodation. The accommodations intermediary shall collect the tax imposed pursuant to this article, computed on the room charge. When the accommodations are at a hotel, the accommodations intermediary shall remit the taxes on the accommodations fee to the locality and shall remit any remaining taxes to the hotel, which shall remit such taxes to the locality. When the accommodations are at a short-term rental, as defined in Virginia Code § 15.2-983, or at any other accommodations, the accommodations intermediary shall remit the taxes on the room charge to the locality.
- D. An accommodations intermediary shall not be liable for taxes under this article remitted to an accommodations provider but that are then not remitted to the locality by the accommodations provider. For any retail sale of accommodations facilitated by an accommodations intermediary, an accommodations provider shall be liable for that portion of the taxes under this article that relate to the discount room charge only to the extent that the accommodations intermediary has remitted such taxes to the accommodations provider.
- E. In any retail sale of any accommodations in which an accommodations intermediary does not facilitate the sale of the accommodations, the accommodations provider shall separately state the amount of the tax in the bill, invoice, or similar documentation and shall add the tax to the total price paid for the use or possession of the accommodations. In any retail sale of any accommodations in which an accommodations intermediary facilitates the sale of the accommodation, the accommodations intermediary shall separately state the amount of the tax on the bill, invoice, or similar documentation and shall add the tax to the room charge; thereafter, such tax shall be a debt from the customer to the accommodations intermediary, recoverable at law in the same manner as other debts.

§ 42-204 Collections to be held in trust

The taxes required to be collected under this Article shall be deemed to be held in trust by the person required to collect such taxes until the same shall have been remitted to the Town.

§ 42-205 Reports and remittances

The person collecting any tax as provided in this Article shall make out a report thereof upon such forms setting forth such information as the Town may prescribe and require, showing the

amount of lodging charges subject to tax and the tax required to be collected and shall sign and deliver such reports with the remittance of such tax to the Town. Such reports and remittances shall be made monthly on or before the 20th day of the calendar month following the month being reported.

§ 42-206 Penalty and interest upon failure to report or remit tax

If any person shall fail or refuse to report and remit to the Town the tax required to be collected and paid under this Article within the time and in the amount as provided for in this Article, there shall be added to such tax a penalty in the amount of ten percent (10%) of the tax due. The Town shall also assess interest on the tax and penalty at the rate of ten percent (10%) per year from the day after the tax is due until paid. Penalty and interest shall not be imposed contrary to the restrictions set out in Virginia Code § 58.1-3916.

§ 42-207 Procedure when tax not collected or reported

If any person shall fail or refuse to collect the tax imposed under this Article and to make within the time provided herein any report and remittance required, the Town shall proceed to assess the tax due based on the information reasonably available and to collect the tax due, together with any penalties and interest owed, in any manner permitted by law.

§ 42-208 Preservation of records

It shall be the duty of every person liable for the collection and payment to the town of any tax imposed by this Article to keep and preserve for a period of two (2) years such suitable records as may be necessary to determine the amount of such tax due to the town. The Town shall have the right to inspect such records at all reasonable times.

§ 42-209 Procedure upon cessation of business

Whenever any person required to collect and pay to the town a tax imposed by this Article shall cease to operate, go out of business or otherwise dispose of his business, any tax then payable to the town shall become immediately due and payable, and such person shall immediately make a report and pay the tax due to the Town.

§ 42-210 Exceptions

No tax shall be payable under this article in any of the following instances:

- (1) On charges for accommodations paid by any agencies of federal, state or local governments for their officers or employees thereof while on official business.
- (2) On charges for accommodations paid to any hospital, medical clinic, convalescent home or home for aged people.

THIS ORDINANCE IS EFFECTIVE UPON ADOPTION.

Done this ___ day of _____, 2022.
TOWN OF HAYMARKET, VIRGINIA

ATTEST:

Kimberly Henry, Town Clerk

Motion to approve:

Second:

Voting Aye:

Voting Nay:

Absent:

Abstaining:

Attachment: Memo to Council - Transient Occupancy Tax Ordinance update (5416 : Transient Occupancy Tax Ordinance Discussion)



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

Kathryn M. McDaniel, P.E.
TOWN ENGINEER

MEMORANDUM

TO: Emily Kyriazi, Acting Town Manager
FR: Kathryn McDaniel, Town Engineer
DATE: January 28, 2022
SUBJECT: Town Park Streetscape Improvement Project Procurement

The Town of Haymarket has identified several capital improvement projects to undertake in the coming years. There are several procurement methods available to the Town for delivery of these projects, including design-bid-build, design-build, and construction manager at risk (CMAR). Each method has benefits and drawbacks. Since the focus of this memo is to provide a recommendation for the delivery method on the Town Park Streetscape Improvement Project, and the CMAR delivery method tends to be for very complex projects, it will not be discussed in further detail.

The traditional procurement method is design-bid-build (DBB). This procurement method involves multiple advertisements and multiple contracts to be awarded and managed by the project Owner. The owner will first advertise and award a contract for the design and permitting of the project. The Owner would then use the design and permitting documents to advertise the project for construction.

Benefits of the DBB method are primarily centered around keeping costs down and maintaining Owner involvement and control in all parts of the process. DBB drives project costs down through the competitive bidding process for both design and construction, and the Owner maintains control to choose the design and construction teams throughout the process. In addition, DBB tends to provide better project clarity since design and construction are not happening concurrently.

Drawbacks of the DBB method are primarily a longer schedule and potential for communication issues. Due to the multiple advertisements and associated award negotiations, this process typically takes longer to achieve final project delivery. The benefit to this is that if the construction bids come in over budget, the Owner can decide whether to proceed with construction, wait, or look at redesign options to reduce cost. Since the construction team was not involved in the design process, there can be miscommunications that leads to an adversarial relationship between the designer and builder, as well as RFIs and change orders during construction to clarify design intent which can lead to increases in cost and schedule.

Design-build (DB) is a project delivery system where the owner contracts with a single entity to perform both design and construction under a single contract, providing a single point of contact and responsibility for the Owner to manage through design and construction. The designer and builder work together to provide recommendations to meet the Owner's schedule and budget.

Benefits of the DB method include a shorter overall timeline, more predictable costs, and more collaboration for innovative problem solving. The builder is involved in the design from the beginning to provide input on constructability issues and alternatives to consider during design, which can also reduce RFIs and change orders during construction. It also eliminates the advertisement and award negotiation time associated with DBB, resulting in quicker delivery. The builder involvement also allows costs to remain more predictable throughout the process which makes budgeting easier for the Owner from the beginning.

Although costs tend to be more predictable with DB, they may not be cheaper. The lack of competitive bidding throughout the process can lead to higher prices, which can exceed the Owner's budget. The responsibility of the design-builder to make decisions results in the Owner having less input, control, and influence during the process, which may also drive the cost to increase.

The proposed streetscape improvements for the Town Park consist of construction of a bike lane, curb and gutter, a trail and associated utility and infrastructure improvements. The scope is a civil engineering driven effort and is not likely to have an extensive complex team of multidiscipline design professionals like a building project would. Since the project consists only of land disturbance, construction cannot begin until the civil plans are completed and approved by the authorities having jurisdiction over the project (Town, VDOT, DEQ, PWCSA, etc.). Given what is involved in the project, the permitting requirements, increased costs, and the supply chain disruptions due to COVID, there does not appear to be a significant benefit to using the DB process over the DBB process. Please let me know if you have any additional questions regarding these comments. I can be reached at kmcdaniel@townofhaymarket.org.