



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING

~ MINUTES ~

Chris Coon, Business Manager
<http://www.townofhaymarket.org/>

15000 Washington St
Haymarket, VA 20169

Monday, December 7, 2020

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

Due to the COV-ID19 pandemic and Governor Northam's executive order on social distancing, Councilman Joe Pasanello and Town Attorney Martin Crim attended the evening's meeting via Zoom from their respective home offices.

Councilman Marchant Schneider: Present, Councilman Chris Morris: Present, Councilman Joe Pasanello: Present, Councilman Steve Shannon: Present, Councilman Bob Weir: Present, Vice Mayor TracyLynn Pater: Present, Mayor Kenneth Luersen: Present.

II. Pledge of Allegiance

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

III. Invocation/Moment of Silence

Councilman Chris Morris gave this evening's invocation.

IV. Citizens Time

Mayor Luersen opened the floor for Citizen's Time.

Jim Payne, 6680 Fayette Street, addressed the Town Council on the Police Department vacancy. Mr. Payne shared his concern of the Town Council's conversation on police coverage and filling the vacancy from the previous meeting.

Mary Ramirez, 14974 Cheyenne Way, first thanked the Town Council for their response in meeting with her one on one prior to the meeting. Ms. Ramirez also addressed her concerns of police coverage and filling the vacancy.

Dottie Leonard, 14801 Washington Street, spoke representing the Citizen's for the Betterment and Harmony of Haymarket and Western Prince William County. Ms. Leonard spoke in support of the police department and Chief Lands. She stated that the group would like to see the department to run like it has been and protected. Ms. Leonard also spoke in support of the police department from personal experiences and in support of Chief Lands and the decisions he makes regarding coverage for the Town. Tom Utz, former Town Council member, addressed his concerns about the discussion from the previous meeting on police coverage. He stated that saving money by cutting the force in the police department is a bad idea.

At this time, Town Clerk Kim Henry and Town Manager Chris Coon read several emails into the record on the subject of the proffer amendment. Below is a list of the sender of the email and a brief explanation.

Robert and Rebecca Hancock, 6717 Sycamore Park Drive, ask for denial of the proffer amendment

Nick Pulire, 6740 Bleight Drive, requested denial of the proffer amendment

Joseph NamGoong, 6744 Bleight Drive, requested denial of the proffer amendment

Jordan Ellison, Villages of Haymarket, requested denial of the proffer amendment

Dave O'Mara, 6717 Sycamore Park Drive, requested denial of the proffer amendment

Subash Bhattachan, Villages of Haymarket, requested denial of the proffer amendment

Jim and Suzanne McGuire, Villages of Haymarket, requested denial of the proffer amendment

William Wallace, Cypress Park Lane, opposed the application and requested denial of proffer amendment

Greg and Yvette Terrie, Dogwood Park Lane, requested denial of the proffer amendment

Jillian Pulire, 6740 Bleight Drive, requested denial of the proffer amendment

Ron Phillips, no address, requested denial of the proffer amendment

Alexander Beyene, 6817 Walnut Park Lane, disclosed that the comments presented does not represent his view as a Planning Commission Member but as a citizen and requested denial of the proffer amendment

At this time, Councilman Marchant Schneider read into the record an email from Ms Susan Serrano, no address, regarding the police department and coverage and supported the Mayor and Council on their exercise at the previous meeting.

***** All emails will be attached to the end of the approved minutes*****

V. Minute Approval

1. Mayor and Council - Work Session - Oct 26, 2020 6:30 PM

Councilman Shannon moved to approve the minutes of the Work Session from October 26, 2020. The motion was seconded by Councilman Morris. The motion carried.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Steve Shannon, Councilman
SECONDER:	Chris Morris, Councilman
AYES:	Schneider, Morris, Pasanello, Shannon, Weir, Pater

2. Mayor and Council - Public Hearing/Regular Meeting - Nov 2, 2020 7:00 PM

Councilman Shannon moved to approve the minutes of the November 2, 2020 Town Council meeting. Councilman Morris seconded the motion. The motion carried.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Steve Shannon, Councilman
SECONDER:	Chris Morris, Councilman
AYES:	Schneider, Morris, Pasanello, Shannon, Weir, Pater

VI. Agenda Items

1. Landscaping Contract

Town Manager Chris Coon gave a brief update to the landscaping contract that was presented at the previous Work Session. Mr. Coon shared that he also attached the requested bid package as well.

Councilman Morris moved that the Town of Haymarket enter into a contract with Premier Landscaping for landscaping services to the annual amount of \$24,900. The motion was seconded by Councilman Weir. The motion carried by a roll call vote.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chris Morris, Councilman
SECONDER:	Bob Weir, Councilman
AYES:	Schneider, Morris, Pasanello, Shannon, Weir, Pater

2. Proffer Amendment Application - 14600 Washington Street

Marchant Schneider stated that the Town Council received the emails that was requested and asked that those emails be attached to the November 30th minutes.

***** The emails will be attached to the approve minutes for the record*****

There was a short discussion with the applicants regarding the property.

At this time, Councilman Morris read Resolution 2020-20: A Resolution denying the request for amendment to proffers in REZ2013-0528 into the record in its entirety. Councilman Weir seconded the approval of the resolution. There was a short question and answered period with the applicant and a discussion followed. The motion carried by a roll call vote.

RESULT:	DENIED [5 TO 0]
MOVER:	Chris Morris, Councilman
SECONDER:	Bob Weir, Councilman
AYES:	Morris, Pasanello, Shannon, Weir, Pater
ABSTAIN:	Marchant Schneider

3. 2021 Meeting Schedule

Town Manager Chris Coon asked for the Town Council to review the 2021 adjusted meeting schedule that showed the meetings falling on a holiday would move to the next day.

Councilman Weir moved to adopt the 2021 meeting schedule as proposed. Councilman Shannon seconded the motion. The motion carried by a roll call vote.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bob Weir, Councilman
SECONDER:	Steve Shannon, Councilman
AYES:	Schneider, Morris, Pasanello, Shannon, Weir, Pater

4. Bond Release - 6655, 6665, 6675 Fayette Street

Town Manager Chris Coon gave the Town Council an update on the subject of the Bond Release. Mr. Coon shared his conversation with the homeowner who is not satisfied with the result of the property. Mr. Coon stated that, although the results did not meet the homeowners expectations, the applicant met the specification requirements that was expected of him. Mr. Coon stated with that in mind, he suggested that the Town Council release the bonds. There was a discussion with Town Planner Emily Lockhart on what can be held back. There was a discussion on the drainage problems at the back of the subjected property brought forth by Ms. Lockhart. There was a question on the amount of the bond and a report from the Town's engineer. Ms. Lockhart shared that the surety bond was released already and that she has a meeting schedule with the Town's engineer to walk the property in question.

Councilman Weir moved to defer further action on the disposition of the bond until next month pending a report from the Town's Engineer. Councilman Shannon seconded the motion. A short discussion followed. The motion carried by a roll call vote.

RESULT:	TABLED [5 TO 0]
MOVER:	Bob Weir, Councilman
SECONDER:	Steve Shannon, Councilman
AYES:	Schneider, Morris, Pasanello, Shannon, Weir
ABSTAIN:	TracyLynn Pater

5. Police Officer Vacancy

Prior to addressing the police officer vacancy, the Town Council took a 5 minute recess. After the recess, the Town Council addressed the vacancy. Councilman Morris asked clarification directed to the Mayor and the reset of the Town Council regarding the exercise that they had at the Work Session so that the Chief has a clear directive from the Council on how to proceed with filling the position.

The first topic was 24/7 coverage. Mayor Luersen stated that his intention is to have 24/7 coverage and to keep the services the Town currently has but would like to look at the staffing more closely with the current part time and 5 full time officers. There was a directive from the Town Council for the Chief to maintain 24/7 coverage during their term.

The second topic was the Laney Detail. Police Chief Lands shared that he contacted the representative from Laney. He provided that the Laney Detail coverage has been extended until March. Councilman Morris proposed that the Town Council do not touch the Laney detail since its close to completion. After a short discussion, the Town Council took the Laney detail off the table and continue coverage until its completion.

The last topic was filling the vacancy. Councilman Morris stated that the Town Council failed the Chief by not providing him the expectations of the Council up to this point. Mr. Morris stated that

it is now time to provide those to the Chief so that he can properly staff and schedule the department. A discussion followed on the subject of filling the vacancy.

At this time, Town Manager Chris Coon shared that he met with Police Chief to better understand, discuss and address the vacancy. He stated that the first thing they talked about was level of service which a full time officer can provide. He stated, however, that he and Chief Lands wanted to review and discuss some of the items that the Town Council is requesting. He stated that he has heard on numerous occasions about the quality of work of the part time officers. Yet the budget does not support the use of these officers on a regularly scheduled basis. Mr. Coon suggested moving \$21,000 from full time salaries to part time salaries to give the Chief more flexibility in scheduling the part time officers. He stated this would be equivalent to having another full time officer until the middle of April. This also gives flexibility to the Chief to hire an additional part time officer, if needed. Mr. Coon stated that this could be effective immediately since it will be under the 1% of the budget and would not require a public hearing. He stated it would then give time for the Town Council to re-evaluate the departments needs for the next 4 months for the hiring of the 6th full time officer.

Police Chief first thanked the citizens who came and spoke out during citizens time. He stated that although he would prefer a full time officer, his primary goal is to provide 24/7 coverage. He stated that he can only achieve that goal is to either fill the vacancy or to have the funding in the part time salaries to fill the gaps. He stated that in the interest to remove the distractions of the vacancy has caused, he would be in support in appropriating the funds to part time salaries with the hope of hiring the 6th full time officer in the spring when the 2022 budget discussions are in full swing.

A discussion followed on the subject. Councilman Shannon stated he would not compromise on his stand of hiring the 6th officer now. Vice Mayor Pater asked if the current part time officers would want more hours. Chief Lands stated that he would be able to spread out the hours more effectively and look at the hiring of an additional part time officer. Councilman Morris stated he looks at it as a way to get the coverage that is needed to give the Town Council time to look at how they can increase the police department staff not decreasing it. Councilman Weir stated that this is an interim step as the Council starts the 2022 budget that would have the 6th full time officer as the default positions to build on as the Town and needs grow for additional staff. Councilman Schneider stated that he is in favor of hiring the 6th full time officer and look at additional part time coverage for future use. Councilman Pasanello stated that the providing the full time equivalent makes sense to give the Council time to determine a path forward.

Councilman Morris moved to push forward with the option that the Town Manager and the Chief discussed earlier in moving \$21,000 over into part time salaries and wages and also give the Chief directive to pursue hiring as many part time officers as he sees fit to cover the schedule. Vice Mayor Pater seconded the motion. A discussion followed on the whether it should be two separate motions.

Councilman Morris amended his motion to move \$21,000 from line item 3110001- Salaries and Wages Regular reducing it from \$419,405 to \$398,405 and transferring \$21,000 to line item 3110005 - Salaries and Wages Part Time increasing it from \$16,000 to \$37,000. Vice Mayor Pater seconded the amended motion. The motion carried by a roll call vote.

RESULT:	ADOPTED [4 TO 2]
MOVER:	Chris Morris, Councilman
SECONDER:	TracyLynn Pater, Vice Mayor
AYES:	Chris Morris, Joe Pasanello, Bob Weir, TracyLynn Pater
NAYS:	Marchant Schneider, Steve Shannon

6. Motion to hire Part Time Officer

Councilman Morris moved to give the Chief directive to pursue hiring as many part time officers as he sees fit in order to beef up his part time staff as we go through this process. Councilman Shannon made a substitute motion approve the Chief to proceed with the hiring of his full time officer vacancy. The substitute motion failed for a lack of a second. Councilman Pasanello seconded the original motion. The discussion followed and was determined that the 6th full time position will be filled during the 2022 budget preparation. The motion carried by a roll call vote.

RESULT:	ADOPTED [4 TO 2]
MOVER:	Chris Morris, Councilman
SECONDER:	Joe Pasanello, Councilman
AYES:	Chris Morris, Joe Pasanello, Bob Weir, TracyLynn Pater
NAYS:	Marchant Schneider, Steve Shannon

VII. Liaison Reports

1. Finance

Councilman Weir stated he will wait until the Town Treasurer's Report

2. Police

Councilman Morris stated that he stepped back from being the liaison as to not bring any additional conflict since the Mayor's exercise and stated he would wait for a directive from the Mayor to step back into that role. There were no additional reports.

3. Architectural Review Board

Councilman Schneider shared that Aldi grocery would be occupying half of the Food Lion building and offered suggestions to Aldi to come back with changes to the next meeting.

4. Planning Commission

Councilman Weir stated that the Planning Commission has started working on the Zoning Text Amendment as instructed by Town Council. He also stated that QBE's SUP application is before the Planning Commission for their next meeting and will be probably be before the Town Council at their January meeting.

5. Business Roundtable

Vice Mayor Pater shared that the Business Roundtable was postponed to January due to the busy holiday season for businesses. Vice Mayor Pater thanked everyone who participated in the recent Santa ride.

VIII. Department Reports

1. Town Administration Report

Town Manager Chris Coon apologized once again for not having the Veteran's banners displayed over the Veteran's Day holiday. Mr. Coon also stated that he started collecting the vouchers from the participating businesses and shared that it looked like it was a successful campaign that helped not only the businesses but the residents during this pandemic. Mr. Coon stated that he will give a full report once the CARES Act program is over on December 31st by the January Work Session. He also shared additional CARES Act projects. A short discussion followed on the veterans banner program throughout the year possibly on the website or newsletter. There was also a short discussion on changes to the CARES Act program and the possible loosening of how the money can be spent in relation to CARES.

2. Police Chief Report

Police Chief Lands briefly went over his monthly statistical report. Chief Lands also gave a brief report on the departments activity such as the Santa Run, range qualifications and a crosswalk public service announcement postings. There was a discussion in regards of the Laney Detail contracts and establishing detail contracts going forward. Councilman Weir shared that he drafted an MOU for the Town Attorney to review for future use to be used for all extra duty contracts. Councilman Weir asked Chief Lands to contact the Town Attorney to finalize the MOU and asked for the Town Council to give a directive, that once the details are worked out, for the MOU to be adopted and used for future extra duty operations or contracts. A discussion followed on the pay structure with hourly rate vs 1099 rate structure to each officer. The Town Council asked Councilman Weir to work with the Treasurer and come back to Council with a pay rate option to the officer and the expense to the Town as opposed for the officer to file a 1099. No further action was taken. There was also a short discussion on updating the Police Department's General Orders. Police Chief Lands stated that he communicates with the Town Attorney on a regular basis on updating the General Orders particularly with new laws that come into effect or old laws that are revised at the beginning of each year.

3. Town Treasurer Report

Town Treasurer Roberto Gonzalez gave his monthly budget report. Mr. Gonzalez shared that the Town is operating under budget at this time. Mr. Gonzalez also shared that the auditor will

be at a future meeting to give a presentation on the annual audit, once it is complete, at no additional cost this year. There were questions on some of the line items on the report.

4. Town Planner Report

Town Planner Emily Lockhart gave a report on the projects before the ARB and Planning Commission. Ms. Lockhart shared that the Planning Commission deferred the QBE SUP decision until their next meeting. Ms. Lockhart also shared that Crossroads Village gave a presentation at both ARB and Planning Commission meetings similar to the presentation they gave at the last Council Meeting.

Ms. Lockhart also shared staff related items to the Council. She shared that there was a Zoning determination for a property on Jefferson Street. She also shared that the Pardo House has been recently boarded up. Lastly, Ms. Lockhart shared that she is in communication with the County regarding a property maintenance issue. There was a short discussion on the next steps that need to be taken regarding the Pardo House. There was also a discussion on the Town's obligations to providing an outside smoke free environment at the Museum even though the Town is in private/public partnership. Town Attorney shared that if the Town owns the property and has not given full control of the outdoor area to the tenant, the Town could set the perimeters of a smoke free environment on the property. The Council asked for Ms. Lockhart to speak with the tenant on the matter.

Ms. Lockhart shared that the quarterly newsletter will go out the first week in January and asked that the Council give input within the next week.

5. Town Engineer Report

Town Planner Emily Lockhart gave a brief update on the Town Engineer's report. She stated that Town Engineer Katie McDaniel recently visited the Jefferson Street project and shared that Ms. McDaniel would be coordinating with RDA and Town Staff on some of the items still left on the punch out list.

Ms. Lockhart shared that she and the Town Engineer are currently working on reviewing site plans for return comments to the Van Metre project, the Karter School project and the McDonald's drive thru project.

There was a short discussion on a Van Metre project outside of Town limits and the delay in the paving in that area.

6. Town Attorney Report

Town Attorney Martin Crim did not have anything to report.

IX. Councilmember Time

1. Chris Morris

Councilman Morris thanked and complimented those who were involved in the Santa Run.

2. Joe Pasanello

Councilman Pasanello thanked and complimented those who spoke during Citizen's Time either physically or remotely via email. He encouraged those to keep commenting because their comments are invaluable to the decision making process of the Council. Councilman Pasanello suggested that staff contact Delegate Danica Roem to the January meeting so that she can give Council legislative updates that will be addressed at the next General Assembly. Councilman Pasanello also suggested that the Town look at the sidewalks in front of the park for the next budget season.

3. TracyLynn Pater

Vice Mayor Pater thanked everyone who participated in the Santa Run and shared that it was a great success.

4. Marchant Schneider

Councilman Schneider thanked that staff on the work done for the CARES Act voucher program and prepping the Town for Christmas and the Santa Run. Mr. Schneider also thanked the Police Department on their work and expressed their value to the Town.

5. Steve Shannon

Councilman Shannon expressed his delight in the Santa Run. Mr. Shannon thanked all the staff for their work and dedication to the Town.

6. Bob Weir

Councilman Weir shared some information that Prince William County is trying to incorporate on future projects and meeting standards.

7. Ken Luersen

Mayor Luersen thanked all the citizens who came to the meeting and contributed to the conversation on the evening's topics during Citizens Time. He stated that their comments were noted. Mayor Luersen also thanked Councilman Morris for giving the first invocation of this administration. In addition, the Mayor announced the date of his monthly walk. Lastly, the Mayor wished a Happy Holiday season to all .

X. Closed Session - As Needed

1. Motion for a Closed Session

Councilman Weir moved to go into Closed Session Pursuant to Virginia Code § 2.2-3711 (A)(1) a personnel matter involving assignment, appointment, promotion, performance, demotion, salaries, disciplinary, resignation of a specific public officer, appointees or employees of the Town specifically the position of the Town Clerk. Councilman Morris seconded the motion. The motion carried.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bob Weir, Councilman
SECONDER: Chris Morris, Councilman
AYES: Schneider, Morris, Pasanello, Shannon, Weir, Pater

2. Certification

Councilman Weir moved that 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 Shannon seconded the motion. The motion carried

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bob Weir, Councilman
SECONDER: Steve Shannon, Councilman
AYES: Schneider, Morris, Pasanello, Shannon, Weir, Pater, Luersen

3. Motion

Councilman Shannon moved to increase the Town Clerk's salary by 10% effective November 4, 2020. Councilman Morris seconded the motion The motion carried by a roll call vote.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Steve Shannon, Councilman
SECONDER: Chris Morris, Councilman
AYES: Schneider, Morris, Pasanello, Shannon, Weir, Pater

XI. Adjournment

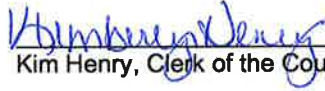
With no further business before the Council, Councilman Weir moved to adjourn with a second by Councilman Shannon. The motion carried.

1. Motion to Adjourn

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bob Weir, Councilman
SECONDER: Steve Shannon, Councilman
AYES: Schneider, Morris, Pasanello, Shannon, Weir, Pater

Submitted:

Approved:


Kim Henry, Clerk of the Council


Ken Luersen, Mayor

December 6, 2020

Mayor Luersen and Town Council Members,

I'm writing to you to communicate my family's and neighbors' concerns and objections with/to the Proffer Amendment Application for 14600 Washington Street. Even though certain Town council members introduced and discussed irrelevant matters in relation to the Proffer Amendment Application during the November 2nd meeting, the matter at hand is as simple as whether or not the Town should approve the Proffer Amendment Application and allow the applicants to eventually develop the currently restricted 4.51 acres in accordance with a B-1 zoning. You should not approve the proffer amendment for the following reasons:

- As you know, back in 2013, as part of the applicants' rezoning application, the applicants proffered, in other words promised, to "maintain and make available for recreational field use approximately the 4.51 acres," "so long as a public or private partner is willing to enter into a commercially reasonable form of lease agreement." As a result, even though certain Town officials keep on bringing up use by right in relation to the proffer amendment, the applicant has forfeited the right to develop any portion of the 4.51 acres, that is "so long as a public or private partner is willing to enter into a commercially reasonable form of lease agreement." We understand that the proffer exists as a result of the Town having realized the importance of preserving the recreation field use of the 4.51 acres, but we would also like to think that the Town knew in advance the negative impacts that may be realized to our safety, welfare, health and property values if the 4.51 acres is developed in accordance with a B-1 zoning. Let me ask you this, do you honestly believe that surrounding residential property owners and residents will not be negatively impacted when a four story building is erected in front of their homes, when commercial traffic and parking is introduced to what so far has been a residential street? Not to mention the many other negative aspects of living next to a commercial property. Do you honestly think that such commercial development makes sense and is appropriate for our residential area? We are in this situation as a result of the Town's decision to rezone the property to B-1, and the right thing to do is for the Town to not allow the negative impacts to us by denying the Proffer Amendment Application, thus making the applicant live up to the promise they made to the Town and town residents.
- Based on the applicants' rezoning application dated May 28, 2013, contrary to their current plans for the property, the applicant withheld their true long-term intentions for the property, which is very unfortunate to say the least. Thus, back in 2013, the Town approved their rezoning application with the understanding that the applicant was going to continue to maintain the recreation field use land, "so long as a public or private partner is willing to enter into a commercially reasonable form of lease agreement." Actually, in addition to their proffer, the following are what the applicants stated in their rezoning application:

"Our plan for public space use will allow for the County Parks and Recreation use of the fields. QBE is currently working with the County Parks and Recreation to propose adequate access and parking for the efficient use of the sports fields."

“As the property sits today it is suited exactly for the proposed use, as well we have developed a long term growth plan that will allow for expansion without the disruption of the parks use.”

To repeat, “we have developed a long term growth plan that will allow for expansion without the disruption of the parks use.” Well, based on what the applicants want to do now, we now know that the applicants’ long-term growth plan all along was to disrupt the park use of the 4.51 acres.

- Contrary to their above statements and proffer, during the Planning Commission meeting on September 21st, 2020, the applicant did actually admit to the Planning Commission about having commercial development plans for the 4.51 acres from the get-go. This means that all along the applicants didn’t have intentions of living up to their promise to the Town and town residents, which once again is very unfortunate to say the least. It is also very unfortunate that the Town approved the applicants’ rezoning application back in 2013 without having full knowledge of their true long-term plans and their intention of not living up to their promise.
- When it comes to whether or not the proffer is in perpetuity, contrary to some Town officials mentioning sunset provisions and/or attempting to tie the proffer to the current deed of lease for the 4.51 acres between the applicants and Prince William County Parks and Recreation, there is no ambiguity about the proffer. The applicant needs to “maintain and make available for recreational field use approximately the 4.51 acres,” “so long as a public or private partner is willing to enter into a commercially reasonable form of lease agreement.” In other words, so long as a public or private partner is willing to continue entering into a commercially reasonable form of lease agreement with the applicants, then yes, the proffer is in perpetuity.
- As you know, based on the comments from citizens during previous and recent Town Council and Planning Commission meetings, many town residents are against approving both the Proffer Amendment and the SUP. These are town residents who have set roots in the Town for decades and have collectively invested significantly more than the applicants’ \$1.2 million dollar capital investment. It is obvious that for many years the Town has overlooked Town residents’ wants, needs and concerns and elected to favor the wishes of those with commercial development plans, which we hope will not be the case this time around. Many times, the applicant has asked what does the Town want with the 4.51 acres of recreational field use, well I and others would like to think that the Town wants what many of the town residents want and need, which in this case is maintaining the recreation field use of the entire 4.51 acres. We hope that you don’t approve the proffer amendment and choose to reduce the overall size of the recreational field use proffered from 4.51 acres to 0 acres, and leave the door open for the applicant to develop the entire 4.51 acres. I think you realize that by reducing the overall size of the recreational field use proffered from 4.51 acres to 0 acres, or tying a portion of the 4.51 acres to a deed of lease, means that the only thing that will stop the applicants from developing the entire 4.51 acres is a deed of lease, which is in effect for a finite period of time and primarily at the discretion of the applicants. But if you do choose to approve the

proffer amendment, then you owe me, my family and the many other families and town residents an explanation as to why you elected to ignore our needs and wants and concerns and objections in favor of the desires of the applicants. A desire the applicant withheld from the Town and town residents until now, and a desire that allows the applicant to break a promise made to the Town and town residents. A promise the town residents considered back in 2013 when deciding whether or not to object the applicants' rezoning application. In other words, one of the reasons the town residents didn't raise concerns or objections with the applicants' rezoning application back in 2013 is because the applicant promised and made it seem that recreational field use will be maintained on the entire 4.51 acres.

Please let the proffer stay intact and run its course. The possible negative impacts to us are serious and thus require your commitment to understanding all the facts about this matter, and considering all aspects of this matter, before making your decision. Please vote to deny the Proffer Amendment Application.

Thank you for your time!

Sincerely,

Alexander M. Beyene
6817 Walnut Park Lane
Haymarket, VA 20169

Kimberly Henry

From: [REDACTED]
Sent: Monday, December 7, 2020 3:23 PM
To: Chris Coon; Kimberly Henry
Subject: Remarks For tonight's town council meeting

(Please enter and read for tonight's town council meeting, thank you.)

Hello, like probably many out there I am tired that this issue is still even going on. The clear majority of town residents who have heard of this have been against this special use proffer from the beginning when it was first put into the town agenda in July. There was an overwhelming No response from residents. This issue has been dragged out from July to now Dec before the holidays and during pandemic time. This should be an easy No vote and it should have been from the beginning.

I think this is now the 5th time I have had to write in but I can't keep track at this point. I am still vehemently opposed to the special use proffer sought for the QBE property. The applicant was given a sweetheart deal on the property (purchasing the property for the cost of just 2 of the new homes on Bleight Drive) and in turn, the applicant had very specific parameters to follow to get such a shockingly low sales price on that property. Part of that agreement hinged on him keeping the ball fields for public use.

In seeking the special use proffer the applicant is asking the town to allow him to breach his contract under the guise of a special use proffer, and I hope that the town council votes No here, ensuring that the applicant's contract is fulfilled in it's entirety, as it was intended, and as it was agreed upon when it was entered into.

The applicant shouldn't be attempting to skirt his responsibilities to demolish and turn the last remaining ball fields and green space here into condos, a strip mall, and a potential drive thru by seeking a special use proffer amendment.

The applicant wants to put the health and safety of the residents in the areas at risk and has shown zero regard for the neighborhood and the residents way of life and well being. It is not just Bleight Drive that is affected, it is all of the residents in the Dogwood neighborhoods and Alexandra's Keep area affected. It's the whole town and the children that would be affected because the last of the green spaces would be gone if the ball fields go.

Bleight Drive is the only way out for everyone who lives in these neighborhoods we all have to share the same street to exit our neighborhoods.

The applicant doing this without regard for anyone else who lives here and his proposed special use proffer would result in dangerous traffic increases to an area which already has a speeding problem, there are young children residing in these neighborhoods and this is not the place for something like this, in addition to pollution, noise, safety issues, and endless construction which would be needed. He could do this anywhere else, there are other places in town he can revitalize that needs the help if he wants to purchase. He is not entitled to a special use proffer for this property just because he is seeking it. It's not right for the area, it's not right for the residents.

Kimberly Henry

From: [REDACTED]
Sent: Monday, December 7, 2020 9:36 AM
To: Emily Lockhart; Chris Coon; Kimberly Henry
Subject: *please read at TC meeting* QBE proffer amendment

Hello all,
I hope things are going well. Please read my e-mail comments below and submit to the official record for tonight's town meeting in reference to the proffer amendment. Thank you.

>>>>>>>>>

Hello, my name is Nick Pulire and I live at 6740 Bleight Drive. This is at least the 3rd time I have written and submitted my comments into the town about the QBE proffer amendment. My other comments go into more detail so I will kept this letter relatively brief.

The town needs to reject the proffer amendment request by Mr. Landry. The town entered into an agreement with him with the condition that the ballfields would stay and he was going to revitalize the old school. The original deal became more appealing when Mr. Landry took the old Sears house that was located in what is now the town park, moved it over by the school, and is the building that Cookies and Cream occupies today. The town also worked to move its boundary and rezone the old school to a B-1 as part of the original deal.

Now the town is being asked to reverse the conditions of the deal. The ballfields and Cookies and Cream will be demolished and it is proposed to be replaced with max density townhomes and commercial units. I am hoping some in the town that remember the original deal will come forward to speak their mind. It seems that Mr. Landry was able to buy the property for a reduced rate with the above stipulations so he could get the town's approval. About 3 years later he wants to reverse course and amend the part of his deal at the detriment of the town's original intent.

The town should keep the ballfields in anyway possible and I feel should do what it takes to keep them indefinitely. The ballfields and the green space provide our town a center location where people meet for ball games, ice cream, car shows, and other events. Changing this plot of land will change some of the character of Haymarket forever and in my opinion for the worse. So please reject the proffer amendment.

Thank you.

Nick Pulire

Kimberly Henry

From: Robert Hancock - bobh1023@gmail.com
Sent: Monday, December 7, 2020 4:11 PM
To: Kimberly Henry
Subject: Objection to the Proffer Amendment Application for the QBE Business Park

Please record my objection and read it aloud during Citizen's time in the town council meeting on December 7th, 2020.

My name is Robert Hancock. My wife and I reside at 6717 Sycamore Park Dr, Haymarket, VA 20169. We chose this location based upon low traffic and a quiet neighborhood in Haymarket. We have lived here for over four years. During this time, we have seen an exponential increase in traffic on Rt. 55. For those who live in this neighborhood, all can testify that it has become increasingly difficult to make a left hand turn off of Bleight Drive onto Rt. 55. I strongly believe that if the town council were to approve the Proffer Amendment Application for the QBE Business Park, the result in increased traffic and difficulty to exit from Bleight Drive onto Rt. 55 will become even more difficult and increasingly dangerous.

Furthermore, I am deeply concerned for the probability of increased noise that would accompany such a development in additional vehicle and foot traffic. I also believe that there will be considerable parking overloads.

Other concerns I have are the impact on current and future real estate values and tax increases. With all the new and pending construction going on, Haymarket no longer feels like a quiet town that is safe to walk alone at night.

We enjoy watching the activities on the ball fields and feel that this recreational area is a great place for our children to play and develop. Perhaps the Town of Haymarket should purchase this land as a designated town recreation area preserving baseball, soccer and other activities for our children.

Thank you,

Robert and Rebecca Hancock

Kimberly Henry

From: [REDACTED]
Sent: Monday, December 7, 2020 10:48 AM
To: Kimberly Henry
Subject: concerns to Proffer Amendment Application for QBE Business Park GDP

Dear council members,

My name is Subash Bhattachan, and I have been living in Village of Haymarket neighborhood along with my family for past 12 years. This email is in regards to Proffer Amendment Application for QBE Business Park property, which borders Bleight drive to construct additional commercial buildings and add entrance/exit lanes from/to the property off Bleight Drive. Here are some of the reasons I would like to oppose this plan by QBE.

1. Most of the family in our neighborhood like to walk/bike along Bleight Drive and have little children. Adding entrance/exit lanes from to the the property off Bleight drive and parallel parking lots on Belight drive will increase traffic on already busy road and will make our neighborhood along with Bleight Drive very unsafe for walking/biking.
2. Traffic on Bleight Drive from/to Washington Street is already bad and especially during rush hours it takes forever to turn. Adding entrance/exit lanes to Bleight drive from business park will make it even worse.
3. Also the construction of parallel parking spots all along the Bleight Drive will make in and out from neighborhood miserable and eventually I believe it will have negative impact to the property value of our neighborhood.
4. Lastly I believe more traffic, pollution, noise and elimination of green space will have serious impact to our health.

I would like to request my concerns to be recorded and read out load during town council meeting today Monday December 7th, 2020.

Sincerely,

Subash Bhattachan

Kimberly Henry

From: [REDACTED]
Sent: Monday, December 7, 2020 12:48 PM
To: Kimberly Henry
Subject: Tonight's Town Council meeting

Please have the following read in tonight's meeting.

As a resident of Haymarket who lives off Bleight Drive, I ask the council to reject the Proffer Amendment Application to further develop the QBE Business Park property at 14604 Washington Street.

Besides depriving youth of recreation areas, it will add even more traffic to Washington Street. I am incensed that the council is considering this when it has already been voted down less than three months ago and citizens have overwhelmingly opposed it.

To even consider this under those circumstances reveals an obvious attempt to sneak the application through. As such, regardless of the outcome of the vote, I will not vote for anyone who votes in favor of this application and I'll encourage other Haymarket citizens to do likewise.

Dave O'Mara
6717 Sycamore Park Drive
Haymarket, Virginia 20169

[REDACTED]

[REDACTED]

Kimberly Henry

From: Jim McGuire <jimmymac03@gmail.com>
Sent: Sunday, December 6, 2020 6:09 PM
To: Kimberly Henry
Subject: Bleight Drive Amendment

Good evening-

I just want to add my name to the list of families that are opposed to this Proffer Amendment. I understand that as an owner of property they have a right to do what they think would be most profitable. However if the rules say one thing you should not allow changes to those rules. What is best for the town is to follow the original plan for this property. Sincerely-Jim and Suzanne McGuire of the villages of Haymarket

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Jimmymac

Dear Mayor Luersen, Town of Haymarket Council Members and Planning Commission Members,

We hope this finds you and your families well. As residents of the wonderful town of Haymarket for almost 16 years, we are writing this email to express our concerns about the construction plans at the QBE property. We humbly request that you PLEASE consider the concerns of the residents and how this construction will impact the lives of all the citizens especially those who live nearby. We like many other residents still have many concerns especially about the 30 parking spaces right on Bleight Drive and the underground parking as well. We also ask that you consider if you would want this next to your home and think about the long term effects of more noise, crime increases due to strangers constantly in our neighborhood, increases in rodents and trash from the retail pads. It is already a challenge getting in and out of the neighborhood with only one way in and out and 31 parking spaces right next to our homes and the constant extra traffic of people using the only access in and out of our neighborhood will create further issues. Extra noise will be generated from cars parked in those spaces and a sense of security will be lost because of a constant influx of strangers parked near our homes and litter will probably become an issue as well. We think that it would be beneficial if the developer met with the residents to devise something that all or the at least the majority of residents would agree on. Is it possible for the developer to expand construction on the existing building, therefore saving the green space for the town residents? Since there are multiple empty retail pads in the area, why is there a need for this development? Remember, once the construction is there and it remains empty, we can't get the green space back. It is our sincere hope that the Town of Haymarket and the developer will understand that the majority of residents have expressed that they do not want this huge development or feel as if it is needed. It will create a host of issues for the current residents and will destroy the tranquil environment of our neighborhood and the small town feel that so many of us love. Our homes are supposed to be our peaceful havens and we should be able to all come home after work and be able to enjoy our time there without worrying about extra noise and traffic. A project of this size does not fit in our residential area and we hope and pray that you think about the long term effects of a project of this magnitude and how it will disrupt the stability of our peaceful and beautiful community. We as residents of the great town of Haymarket only want the best for this area and we really hope that you will consider the concerns of its residents. Thank you very much!

Sincerely,

Greg and Yvette Terrie

Dogwood Park Ln.

Kimberly Henry

From: [REDACTED]
Sent: Monday, December 7, 2020 3:00 PM
To: Kimberly Henry
Subject: Fwd: Communication of Concerns and Defeat of Proffer GDP and SUP

Sent from my iPad

Begin forwarded message:

From: Ronald J Phillips Sr <r_j_phillips_sr@hotmail.com>
Date: December 7, 2020 at 2:40:14 PM EST
To: "khenry@ownofhaymarkey.org" <khenry@ownofhaymarkey.org>
Subject: **Communication of Concerns and Defeat of Proffer GDP and SUP**

As noted by information previously submitted with other residents of Haymarket, I still remain vigilant to defeat the Proffer GDP and SUP, as previously submitted.

The citizens of Haymarket will experience an enormous negative impacts to our safety, health, welfare, morale, daily lives, property values, congestion, and loss of needed recreational areas for the younger aged children. It is, in fact, despicable to eliminate these areas of recreation as we already are cognizant that hundreds of youngest aged children utilize these gaming facilities during the week and weekend. The construction of condominiums would be in direct contravention of previously agreed legal agreement in the proposed construction of no condiminiums next to our developments single family homes. It certainly will affect those new \$500,000 homes and value would be dropped excessively for the new neighbors now living across from the proposed construction This is not a great welcoming to the neighborhood and it needs to be fought in our court systems. Remember that the residents of our community have traffic one way in and same way out. This should be easily accessed by emergency ambulance and fire departments but will be a conflict with local statutes and law. Traffic at this time is horrendous and is expected to increase by 2000 percent of current utilization due to proposed Proffer. I am vehemently opposed to this Proffer and Council Members should act accordingly to disapprove this issue and move on to more important issues. I am a 100% disabled military veteran who is expected to receive honors at Fort Lee, Virginia into the "Hall of Fame" and getting in and out has been a concern of mine. If traffic of the nature mentioned above precluded my transport to hospital in a timely manner it would definitely be an issue that would be critical to me and at least six others who reside in our community. Have discussed this with previous Mayor during parades through the city. Citizens were not allowed to depart our community and some council members are aware of this situation. Informed the Mayor that he could expect law suits if emergency vehicles could not get to disabled citizens. He agreed.

Thank you for this opportunity to address council members and I hope you weigh your decisions carefully to assure the citizens of Haymarket are getting a fair shake.

Kimberly Henry

From: [REDACTED]
Sent: Monday, December 7, 2020 2:43 PM
To: Kimberly Henry
Subject: Proffer Amendment Application QBE Business Park Property

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December 7, 2020

To: Town Council Members

I am writing again to my opposition of the Qbe Business Property request to overturn the proffer amendment currently in effect. The ultimate goal is to again bring forward the proposal to approve the General Development Plan which is tied to the Special Use Permit Application.

As a neighborhood resident, living at Cypress Park Lane, the following are my reasons for opposition.

The current road infrastructure is having enough difficulty handling the current traffic using John Marshall. Now add the sub division being built further up by Tyler elementary, the addition of traffic from the hotel being built in the center of town, add the traffic from Home Depot next to Walmart and it creates a serious problem. The buses at Tyler are having a problem getting from the school parking lot to take the students home as well as parents and students trying to cross to get to their homes across from the school. There must be something said when VDOT would not allow the traffic from proposed plan to not empty onto John Marshall Hwy.

As a resident using Bleight drive there are considerable wait times when trying to get onto John Marshall as well. Parking on Bleight drive will also create problems for a safe flow of traffic as parking on both sides of the road will inhibit vehicles using Bleight safe passage of vehicles going in opposite directions. This has been proven when Bleight is used for parking on Haymarket Day and that is only once a year, not for overflow of visitors and employees of the said residences and stores.

I gather the empty stores within a mile of this property are not a major concern to the board but they should be as you are moving to allow more stores to be built that will increase the vacancy rate. I hope that you will carefully consider the actions you are about to consider as I hope you have driven by the said property and want to keep the current status quo and allow the parents and children to enjoy the playing fields.

I request that this be read out loud during the meeting and ask that serious consideration be taken by all members and vote against the amending of this proffer.

Respectfully Submitted,

William Wallace

Joseph NamGoong
6744 Bleight Drive
Haymarket, VA 20169

December 7, 2020

Subject: Proffer Amendment, QBE Business Park Property

* PLEASE READ MY COMMENTS AT THE MEETING AND SUBMIT IT FOR THE RECORD.

Mayor, Town Council and Town Planning Committee:

My name is Joe NamGoong, my family and I live on Bleight Drive. Due to work, I cannot make this meeting in person. So once again, I am writing you a letter on this same issue because it is still important to us and to my neighbors.

My family and I are 100% against the Proffer Amendment. We are asking you to vote "NO" on this issue.

The land was sold to the QBE owner at a reduced price so the residents would be able to use this land and ball fields. By changing the Proffer Amendment, QBE would be voiding their portion of the deal. When QBE purchased this land, they agreed to the terms of the contract. They should keep their word and HONOR this contract.

For the past several months, many residents (and not just the people living on Bleight) have written emails/ letters to voice their opinion on this Proffer Amendment. The majority of them (once again, not just the people living on Bleight) have expressed that they are against this. I hope you hear our voices and vote NO against the Proffer Amendment.

Thank you for your time,

Joe, Jeeun, and James NamGoong

Kimberly Henry

From: [REDACTED]
Sent: Monday, December 7, 2020 9:32 AM
To: Kimberly Henry
Subject: 12/07/2020 Town of Haymarket Council and Planning Commission Meeting - Proffer Amendment Application

Good Morning Kim,

My name is Jordan Ellison, I've lived in the Villages of Haymarket community since November 2019. I am unable to attend tonight's Council and Planning Commission meeting but wanted to share my concerns regarding the Special Use Permit Application and Proffer Amendment Application for the QBE Business Park. I ask that you please record and read out loud the following comments and concerns during tonight's town meeting:

My wife, 2 year old son and 5 month old daughter moved into a single family home in Villages of Haymarket at the end of 2019. Since then we have experienced nothing but complete satisfaction and joy with our decision to move to this community. Our neighbors have all been very welcoming and helpful in getting us acclimated, given this is our first home. Our goal is to raise our children in this community and live here for as long as we possibly can.

Recently, I was notified of a potential change in the community that will greatly impact our everyday lives and present an obstacle in our goal to reside here for the long haul. I ask that you please reconsider voting in support of amending the Proffer Amendment Application for rezoning the QBE Business Park property and here is why from a newer resident of Villages of Haymarket.

One of the reasons for our move to Haymarket was to get away from the busy and hectic areas we previously lived in between Fairfax and Reston, VA. I can't begin to explain to you how nice it has been to live in a quiet neighborhood. Especially one where both my son and daughter can comfortably play outside with other children and not have to worry about constant pedestrian and vehicle traffic.

This will dramatically change should the Proffer Amendment get approved and we lose access to our ball parks and other property to mixed residential and commercial buildings. Our long walks up Bleight Drive all the way to Washington Street would be nearly impossible with 2 small children given the vehicle and pedestrian traffic we will face. The addition of the drive-thru restaurant and four-story commercial building would also make our family walks and outdoor activities extremely difficult. Going to our favorite Ice Cream spot (Cookies & Cream) or our favorite restaurant (Zandra's Taqueria) will be unsafe with all of the construction that would be taking place. Our small businesses will continue to suffer during this pandemic with all of the inbound construction and lack of pedestrian foot traffic.

What will happen if parking is full on Bleight Drive? What will happen to our property values down the road if we are interested in selling our home? How will my commute to and from work now be affected when trying to leave and enter my own community? Why is this being expedited so quickly when it is against the recommendation of key town officials, including the Town Planning Manager?

These questions along with many others were never taken into consideration for those of us who live in Villages of Haymarket. I'm thankful that our neighbor decided to take action and inform us months ago, otherwise we would be clueless to the possible changes coming to our community. Everything I have mentioned thus far further proves that our best interests were never taken into consideration. Villages of Haymarket is a tight knit community and I have found that

Kimberly Henry

From: Marchant Schneider
Sent: Monday, December 7, 2020 8:03 PM
To: Kimberly Henry
Subject: Fw: Susan Serrano Comments Re: Police Department

Trying to msg you at town of Haymarket.org but no luck. neither can I sign up for comments on town site.

To whom it may concern

Town of Haymarket

I do have a strong commitment to the mayor in his effort to address the Policing policy in this tiny town. His presentation shows in considerable detail the actual situation as well as reasoning for change, more documented accountability and clarification. ie transparency. This mayor was elected by residents. He did very little campaigning but won against a huge campaign of business supported candidates. His win swept a new board in along with him. That's a strong signal that voters wanted changes. Perhaps a compromise of 24 hour patrols on weekend only would calm frayed nerves on this point.

I have long felt that we have been over policed in terms of personnel and equipment (heavy duty vehicles (7 or8)?? therefore I support the mayor in his efforts in seeking to understand the past history of this department and to plan for tomorrow in an open professional manner. Given the statistics I feel it is not necessary to hire a new officer. The desired balance of time and money can be achieved through attrition.

Thank you for your attention

Ms Susan Serrano

Haymarket Resident and voter

Sent from my iPhone