



# TOWN OF HAYMARKET TOWN COUNCIL

## REGULAR MEETING ~ AGENDA ~

David Leake, Mayor  
<http://www.townofhaymarket.org/>

15000 Washington St  
Haymarket, VA 20169

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Monday, December 3, 2012

7:00 PM

Council Chambers

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### 1. Call to Order

### 2. Pledge of Allegiance

### 3. Minutes Acceptance

- A. Mayor & Council - Regular Meeting - Oct 1, 2012 7:10 PM
- B. Mayor & Council - Regular Meeting - Nov 13, 2012 7:00 PM

### 4. Citizen's Time

- A. Ken Luersen - Resident

### 5. Updates & Information

- A. Tree Dedication - Ed Milhous

### 6. Agenda Items

- A. Policy on Council Rules of Procedure
- B. Welcome Signs
- C. Planning Commission Appointment
- D. Consideration of an Ordinance to Amend Section 30-8

### 7. Appropriations

- A. Town Center Property - Appropriations
- B. Alexandra's Keep Proffer Funds
- C. Streetscape Appropriations

### 8. Department Reports

- A. Museum Report - FrannMarie Jacinto
- B. Police Report - Chief James E. Roop December 2012
- C. Building Official's Report - James R. Lowery, Jr. December 3, 2012
- D. Town Manager's Report - Gene Swearingen December 2012
- E. Treasurer's Report

### 9. Citizens Time II

### 10. Closed Session

### 11. Councilmember Time

- A. Steve Aitken - PD Update
- B. Rebecca Bare - PC Update
- C. Katherine Harnest-ARB Update
- D. Mary Lou Scarbrough
- E. Milt Kenworthy
- F. James Tobias
- G. David Leake

### 12. Adjournment



# TOWN OF HAYMARKET TOWN COUNCIL

## REGULAR MEETING ~ MINUTES ~

David Leake, Mayor  
<http://www.townofhaymarket.org/>

15000 Washington St  
Haymarket, VA 20169

Monday, October 1, 2012

7:10 PM

Council Chambers

A Regular Meeting of the Mayor & Council of the Town of Haymarket, VA, was held this evening in the Board Room, Commencing at 7:00 PM

Mayor David Leake called the meeting to order.

### 1. Call to Order

Councilman Steve Aitken: Present, Councilwoman Rebecca Bare: Present, Councilwoman Katherine Harnest: Present, Councilwoman Mary-Lou Scarbrough: Present, Councilman Milt Kenworthy: Present, Vice Mayor Jay Tobias: Present, Mayor David Leake: Present.

### 2. Pledge of Allegiance-Troop 1882

### 3. Special Guest

Mayor Leake introduces Mr. Pete Candland, Gainesville District Board of County Supervisors, is here tonight to give us a brief update

We are on schedule with the I-66 Route 29 improvements

We are on schedule with the I-66 Widening and then the I-66 Route 15 interchange would shortly follow  
Commuter lot is on schedule on Balls Ford Road

He has a primary focus of our parks. He is first targeting Silver Lake Park. He has reached out to several local businesses

The hospital is progressing well.

The Gainesville Library is on schedule at the corner of Lightener and Route 15.

Supervisor Candland October 13 service day at Silver Lake. There will be several projects going on that day. They will be further establishing nature trails within the park; looking to install heating and a/c within the old boat rental/snack bar. The goal is to turn that into a facility that can be rented for meetings and other events. Establish a more robust buffer between the park and Ronald Reagan middle school. 9:00 am - 4:30 pm. Lunch will be provided, tools will be provided.

### 4. Public Hearings

1. FY 2013 Budget Amendment 001

The Mayor asks anyone wishing to address the Town Council regarding the proposed budget amendment, please come forward.

*No public comment*

### 5. Citizen's Time

Mike Vanesse - Prince William County Board of Elections

He is representing the Board of Electoral Services. Starting October 20, this facility, Town Hall, will be used for in-person absentee voting. Mayor asks if there will be signage. Yes, there will be signs with the precinct is open. There will also be flyers on the front door. Anyone who is a Prince William County resident can vote in person at this facility, if they qualify as an absentee voter. Mr. Ring asks where will Town residents will vote on election day, the old PACE or the new PACE? He responds it will be the old building, 14550 John Marshall Highway.

Ralph Ring - 14920 Greenhill Crossing Drive

He comments that Haymarket's report card isn't doing too good. He reminds the Council of the issue with hiring a new Town Attorney. Mayor Leake would like to expand the ARB membership. He reminds that the only time you would expand, would be if the work load has increased. The ARB workload has not

increased. Mayor Leake wanted to give proffer monies to a cause that was not within the Town's limits. There has been much talk about wanted a community center within the Town's limits. Behind the scenes of Haymarket Day there were a huge number of issues. The main issue being that the Mayor wanted to give free vendor space to the Ruritans, a direct violation of the contract that the Town holds with the event coordinator. There are Council work sessions called at 3pm on Wednesdays and the Mayor has refused to allow it to be videotaped. The oath of office has the words "impartially discharge all duties" He doesn't see how any of the above were impartially discharged.

Heather Ring - 14920 Greenhill Crossing Drive  
Clerk reads aloud Ms. Ring's email

"I've got a major problem with the Mayor and Council holding secret, unannounced and unpublished --or under-publicized-- meetings which are deliberately held in the afternoon so that the majority of residents will not be able to attend. The fact that last month, there was at least a video record of these proceedings mitigated that underhanded move somewhat. However, the video record for this month's 'work session' is missing, and in my opinion, this makes the actions of Haymarket's government look pretty shady, and leaves the Town's citizens to wonder what Mayor Leake and the Town Council are trying to hide".

## 6. Minutes Acceptance

A. Mayor & Council - Regular Meeting - Sep 4, 2012 7:00 PM

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Katherine Harnest, Councilwoman
<b>SECONDER:</b>	Milt Kenworthy, Councilman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

## 7. Updates

A. Hulfish House Renovation

The Town Manager has a commitment from the contractor to be finished by the 12th of October at Hulfish House. He is requesting tonight to move an additional \$10,000 from the Old Post Office building to the Hulfish House. Each building will have a total cost of \$175,000 each. We will still be within the \$350,000. We have had a preliminary final inspection and have created a punch list. There is still a bit to be done at the Old Post Office. He is negotiating with the main contractor for both a time frame and a total cost.

The Town Manager comments that he will need some additional funds to do some improvements to the outside of the building. That will cost approximately \$4,000.

### B. Transfer funds from Old Post Office to Hulfish House in the amount of \$10,000

The total budget for each project is now \$175,000.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Steve Aitken, Councilman
<b>SECONDER:</b>	Katherine Harnest, Councilwoman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

## 8. Agenda Items

A. Budget Amendment - 001

Leake asks Ms. Baird how the escalator funds can be used. She said the Town can use the funds for any improvement.

Tobias motions to amend the budget by the following changes:

Revenue:	\$200,112
	\$197,808
Expenditures:	\$161,536 Town Center Property
	\$236,384 General Reserves

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jay Tobias, Vice Mayor  
**SECONDER:** Rebecca Bare, Councilwoman  
**AYES:** Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

- B. Memo of Understanding Prince William Soil & Water Conservation District  
 The Town Manager asks the Town Council to table this matter; we need to find out what other firms are going to be competitive with this service.

**RESULT:** TABLED [UNANIMOUS]  
**MOVER:** Jay Tobias, Vice Mayor  
**SECONDER:** Rebecca Bare, Councilwoman  
**AYES:** Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

- C. Purchase of Police Cruiser  
 Tobias ask which vehicle has been decided on. Chief responds that the Ford interceptor is what he has chosen.

Motion to authorize the purchase of a 2013 Ford Interceptor police cruiser, unmarked, in an amount not to exceed \$36,000. Fund to come from the following line items:  
 \$13,001 Capital Improvements - Police Cruiser  
 \$15,090 General Reserves - from Alexandra's Keep Proffer Funds - Public Safety Category  
 \$7,908.64 General Reserves - from Alexandra's Keep Proffer Funds (Escalator Portion)

**RESULT:** ADOPTED [UNANIMOUS]  
**SECONDER:** Rebecca Bare, Councilwoman  
**AYES:** Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

- D. Zoning Permit Application  
 Motion to approve zoning permit #ZP20120906 for a bakery to be located at 14950 Washington Street, pursuant to Haymarket Town Code Section 58-177 (3)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jay Tobias, Vice Mayor  
**SECONDER:** Katherine Harnest, Councilwoman  
**AYES:** Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

## 9. Appropriations

- A. FY 2013 Quarterly Appropriations  
 Motion to approve the following budget appropriations, pursuant to the policies adopted by the Haymarket Town Council:

Events: \$1,875; Museum: \$1,715.71; Operating: \$77,820.80; Public Safety: \$24,448.50;  
 Public Works: \$32,372.25; Staff Wages & Benefits: \$190,744.50; Town Owned Property:  
 \$86,418.50

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jay Tobias, Vice Mayor  
**SECONDER:** Milt Kenworthy, Councilman  
**AYES:** Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

## 10. Department Reports

- A. Building Official's Report James R. Lowery, Jr.  
 Tobias asks if there are any outstanding violations where Donald B. Rice Tire & Auto were located. Baird asks to be copied on all these discussions.
- B. Treasurer's Report

**C. Motion to appropriate \$3,500**

Motion to appropriate from the General Reserve line item to the Town Center Property Line Item, for the purpose of an ADA compliant parking space and path to the new tenant, The Very Thing....for her

<b>RESULT:</b>	<b>ADOPTED [5 TO 1]</b>
<b>MOVER:</b>	Mary-Lou Scarbrough, Councilwoman
<b>SECONDER:</b>	Steve Aitken, Councilman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Kenworthy
<b>NAYS:</b>	Jay Tobias

**D. Town Manager's Report - Gene Swearingen**

We have entered the final stage of the Washington Street Enhancement Project. We should begin construction on this phase in early spring.

VDOT has about finished the pedestrian signals at the intersection of Washington & Jefferson

Supervisor Candland has asked VDOT to look into limiting left turns. We followed up with VDOT and asked them to look at all options

Tobias asks if we know when they will conduct the traffic analysis. Blast this to all town residents. Please make sure we forward to Maria Turner.

Washington Street striping. They did tell us that they made a mistake on the striping plan. They have agreed to eradicate the striping they have done. It will take about 3 weeks.

Route 15/I-66 interchange. The Town Engineer is working with VDOT on the improvement. There will be a significant impact on the Quarles property.

The Town Manager requests that the Town Council move the November 5, 2012 meeting to November 13, 2012, both the Town Manager and the Town Clerk will be out of town.

**E. Police Report - James E. Roop****11. Councilmember Time**

- A. David Leake
- B. Steve Aitken
- C. Katherine Harnest

Verizon has started advertising installation. We do not yet have a franchise agreement with them. She discusses the streaming of the worksessions; it is her only ability to participate is to watch the streaming. She would like to have input, but if we don't stream, she cannot provide any.

**D. Rebecca Bare**

She thanks Vice Mayor Tobias, Katherine Harnest, Mary Lou Scarbrough, Ed Robinson, Town Residents, Send the Day in Haymarket, and Shawn Foster for helping with Haymarket Day clean-up. We need to be a little more careful of our emails, please make sure we copy Jen Preli and Lisa Baird on our emails.

**E. Mary Lou Scarbrough**

She wanted to discuss the traffic congestion at the traffic light at the Washington & Jefferson Streets intersection, but we have already discussed it this evening.

**F. Milt Kenworthy**

He comments who is in charge of the two street lights in front of Giuseppe's. He notes the photo cell must be not working properly.

**G. James Tobias**

Tobias asks that the Town Manager and Town Clerk work with the Board of Elections and Spend the Day in Haymarket to coordinate use by the voters on Oktoberfest. He asks that the Town Clerk please reply to Ms. Ring that he understand her concerns with the 3pm work sessions, we are trying not to impact staff, and assure her that no work session was held last week. He apologizes to the public for the work session, there was some lively watching behind the scenes. There was no meeting, that is why there is no video. Tobias asks that the Clerk place this on the November agenda. Tobias talks about the Silver Lake project and the email between Mayor Leake and Supervisor Candland. He asks that the Council think about how the Alexandra's Keep proffer funds can be used. He would like to also see this on the November Council agenda.

Policy Recommendation - Streaming of Work Sessions

Motion to resolve that all meetings and work sessions of the Town Council, Planning Commission, Architectural Review Board, Historic Commission, Board of Zoning Appeals will be aired live via web cast and recorded; and that any additional gatherings may be web cast and/or recorded and the discretion of the Town Manager, when in the best interest of the public, notwithstanding technology failures, power outages and other complications beyond the control of the Town staff. Copies of the webcast are available for download from the Town's web site via download. If copies of the web cast are requested from the staff, charges may apply.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jay Tobias, Vice Mayor  
**SECONDER:** Rebecca Bare, Councilwoman  
**AYES:** Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

12. Motion to Adjourn

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Milt Kenworthy, Councilman  
**SECONDER:** Mary-Lou Scarbrough, Councilwoman  
**AYES:** Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

Submitted:

Approved:

\_\_\_\_\_  
Jennifer Preli, Town Clerk

\_\_\_\_\_  
David Leake, Mayor

Minutes Acceptance: Minutes of Oct 1, 2012 7:10 PM (Minutes Acceptance)



# TOWN OF HAYMARKET TOWN COUNCIL

## REGULAR MEETING ~ MINUTES ~

David Leake, Mayor  
<http://www.townofhaymarket.org/>

15000 Washington St  
Haymarket, VA 20169

Tuesday, November 13, 2012

7:00 PM

Council Chambers

A Regular Meeting of the Mayor & Council of the Town of Haymarket, VA, was held this evening in the Board Room, Commencing at 7:00 PM

Mayor David Leake called the meeting to order.

### 1. Call to Order Town Council

Councilman Steve Aitken: Present, Councilwoman Rebecca Bare: Present, Councilwoman Katherine Harnest: Present, Councilwoman Mary-Lou Scarbrough: Present, Councilman Milt Kenworthy: Absent, Vice Mayor Jay Tobias: Present, Mayor David Leake: Present.

#### B. Call to Order Planning Commission

Chair Bob Weir calls the Planning Commission public hearing and special meeting to order at 7:01 p.m.

Commissioners Present are: Robinson; Ring; Bare; Weir

### 2. Pledge of Allegiance

### 3. Joint Public Hearing with Planning Commission

1. Special Use Permit Application #SUP20121005 - The Very Thing/The Very Thing For Her  
Chair Weir opens the public hearing for special use permit #SUP20121005 for a retail second hand sales use at both 15000 Washington Street, Suite 100 and 6630 Washington Street.

No Public Comment

2. Special Use Permit Application #SUP20121009 - Upscale Seconds

Chair Weir opens the public hearing for special use permit #SUP20121009 for a retail second hand sales use at 14891-B Washington Street.

Attorney for the applicant addresses the Planning Commission and asks if there are any questions.

3. State HB ZTA's as submitted by Planning Commission.

Chair Weir opens the public hearing for the Town initiated zoning Text Amendments for, Chair calls for anyone wishing to speak on the matter

No Public Comment

### 4. Planning Commission Special Meeting

Bare moves that the Planning Commission forward #SUP20121005, special use permit for secondhand retail sales at 15000 Washington Street, Suite #110, and 6630 Jefferson Street, to the Town Council with a recommendation of approval in accordance with Town Code Section 58-178(5), Ring seconds;

Ayes: 4 Nays: 0 Absent: 0

Ring motions that the Planning Commission forward #SUP20121009, special use permit for secondhand retail sales at 14891 Washington Street, Suite B, to the Town Council with a recommendation of approval in accordance with Town Code Section 58-178(5), conditioned upon the applicant occupying only that portion of the building previously occupied by Arthur's Court, and full separation of the occupied space from the remainder of the structure, and an inspection by the Town Building Official, Bare seconds;

Ayes: 4 Nays: 0 Absent: 0

Bare motions that the Planning Commission forward amendments to Section 58-554, Certificate of Appropriateness; Section 58-553, Boundary of the Old and Historic District of Haymarket; and Section 58-468, Rules and Regulations of Board of Zoning Appeals, to the Town Council with a recommendation of

approval, Robinson seconds;  
Ayes: 4 Nays: 0 Absent: 0

Bare motions to adjourn the special meeting of the Planning Commission, Ring seconds;  
Ayes: 4 Nays: 0 Absent: 0

Weir reopens the Planning Commission meeting to deal with one outstanding matter.

Weir motions to approve the Zoning Permit/Certificate of Appropriateness for Upscale Seconds to be located at 14891 Washington Street as a second hand sales retailer, Ring seconds;  
Ayes: 4 Nays: 0 Absent: 0

Weir motions to adjourn the special meeting of the Planning Commission, Bare seconds;  
Ayes: 4 Nays: 0 Absent: 0

**5. Citizen's Time**

Mike Vaness, Chief election officer for the absentee precinct here at the Town Hall. He is here to thank the Town for allowing the use of Town Hall, he would like to especially thank the staff. He specially thanks the Town Manager for his support on the weekends and during the storm. We had over 3,400 county citizens that voted absentee in person here at the Town Hall, which is more than any other precinct on election day.

**6. Updates & Information**

- A. Stream Revitalization Angler Environmental  
Agenda item cancelled
- B. Tree Dedication - Ed Milhous

**Motion to table agenda item 6B to December**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jay Tobias, Vice Mayor
<b>SECONDER:</b>	Rebecca Bare, Councilwoman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Tobias
<b>ABSENT:</b>	Milt Kenworthy

- C. Museum Update  
Next month there will be an extensive Museum report submitted for 2013; what she would like to see happen is to turn the museum into use for children again, a learning experience. She will be looking from council their direction for the museum.

**7. Agenda Items**

- 1. Special Use Permit - the Very Thing/For Her  
Motion that the Town Council approve #SUP20121005 for secondhand retail sales at 15000 Washington Street, Suite #110, and 6630 Washington Street as described on the Special Use Permit Application dated October 5, 2012, pursuant to Section 58-178(5) of the Zoning Ordinance; I further move that the SUP shall remain in effect for a period of one year, to renew automatically for additional periods of one year, but expressly conditioned upon the following: Council may require, upon a majority vote, after notice to the applicant, for the applicant (or present property owner) to submit a new application for an SUP, which shall be treated in all respects as a new and different application, subject to approval or disapproval, in accordance with general principles of law for a new application. If such notice is given to the applicant or present property owner, this SUP shall terminate automatically and without further notice or action by the Council 60 days from the giving of such notice.

Minutes Acceptance: Minutes of Nov 13, 2012 7:00 PM (Minutes Acceptance)



**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rebecca Bare, Councilwoman  
**SECONDER:** Katherine Harnest, Councilwoman  
**AYES:** Aitken, Bare, Harnest, Scarbrough, Tobias  
**ABSENT:** Milt Kenworthy

2. Special Use Permit - Upscale Seconds

Motion that the Town Council approve #SUP20121009 for second hand sales at 14891-B Washington Street as described on the Special Use Permit Application dated October 9, 2012, pursuant to Section 58-178 (5) of the Zoning Ordinance; conditioned upon the applicant occupying only that portion of the building previously occupied by Arthur's Court, and full separation of the occupied space from the remainder of the structure, and an inspection by the Town Building Official; further move that the SUP shall remain in effect for a period of one year, to renew automatically for additional periods of one year, but expressly conditioned upon the following: Council may require, upon a majority vote, after notice to the applicant, for the applicant (or present property owner) to submit a new application for an SUP, which shall be treated in all respects as a new and different application, subject to approval or disapproval, in accordance with general principles of law for a new application. If such notice is given to the applicant or present property owner, this SUP shall terminate automatically and without further notice or action by the Council 60 days from the giving of such notice.

Tobias notes that the sandwich board signs are not getting removed from the sidewalks in the evening, he remains concerned about enforcement and ask that we inform the new business of the rules for sandwich board signs.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rebecca Bare, Councilwoman  
**SECONDER:** Jay Tobias, Vice Mayor  
**AYES:** Aitken, Bare, Harnest, Scarbrough, Tobias  
**ABSENT:** Milt Kenworthy

3. ZTA's

Motion to adopt Resolution 20121113-A to amend the Town Code with Ordinance #ORD20121113-1

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, TOWN OF HAYMARKET, VIRGINIA (2004), AS AMENDED, BY AMENDING SECTION 58-554, RELATING GENERALLY TO CERTIFICATES OF APPROPRIATENESS.**

BE IT ORDAINED by the Council for the Town of Haymarket, Virginia, meeting in regular session this 13<sup>th</sup> day of November, 2012:

That Section 58-554 of the Code of Ordinances, Town of Haymarket (2004), as amended, is amended, as follows:

**Sec. 58-554.** - Certificate of appropriateness required to erect, reconstruct, alter, restore or raze a building.

(a) In order to promote the general welfare, through the preservation and protection of historic places and areas of historic interest, all buildings within the Old and Historic Town of Haymarket which are 50 years old or older are designated historic buildings. No historic building may be demolished, in whole or in part, nor may any architectural features of such buildings which are subject to public view from a public street be altered without prior application to the architectural review board, unless the local maintenance code official consistent with the Uniform Statewide Building Code, Part III Maintenance, determines that it constitutes such a hazard that it shall be razed, demolished or moved.

(b) No building, structure or sign shall be erected, reconstructed, altered or restored within the

Minutes Acceptance: Minutes of Nov 13, 2012 7:00 PM (Minutes Acceptance)

Old and Historic Town of Haymarket, unless and until an application for a certificate of appropriateness shall have been approved by the board or, on appeal, by the town council after consultation with the board. Review of such application by the board will include analysis of external architectural features which are subject to public view from a public street, way or place, in light of their architectural compatibility with the historic buildings in the district.

(c) The term "altered" as used in this article, means any readily apparent change, including painting. The zoning administrator shall determine whether a change is readily apparent, subject to appeal to the board of zoning appeals.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jay Tobias, Vice Mayor
<b>SECONDER:</b>	Steve Aitken, Councilman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Tobias
<b>ABSENT:</b>	Milt Kenworthy

**4. Zoning Text Amendment Sec. 18-71**

Motion to adopt Resolution 20121113-B to amend the Town Code with Ordinance #ORD20121113-2

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, TOWN OF HAYMARKET, VIRGINIA (2004), AS AMENDED, BY AMENDING SECTION 18-71, RELATING GENERALLY TO MONITORING, REPORTS, AND INSPECTIONS.**

BE IT ORDAINED by the Council for the Town of Haymarket, Virginia, meeting in regular session this 13<sup>th</sup> day of November, 2012:

Section 18-71 of the Code of Ordinances, Town of Haymarket (2004), as amended, is amended, as follows:

Sec. 18-71. - Monitoring, reports, and inspections.

(a) The Town may require the person responsible for carrying out the plan to monitor and maintain the land disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

(b) The program administrator shall through a certified Virginia Department of Conservation and Recreation Erosion and Sediment Control inspector, conduct inspections of any land disturbing activity for which a grading permit has been issued. The inspector shall assess compliance with the approved erosion and sediment control plan and county codified ordinances as well as the Virginia Erosion and Sediment Control Law and Regulations. The inspector shall inspect site projects in accordance with the department of building and development erosion and sediment control program enforcement protocol, or as amended, and "Board" approved Alternative Inspection Program in accordance with the Virginia Erosion and Sediment Control Regulations (4VAC50-30-60B). The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection. The property owner shall pay for such inspections. If the program administrator determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land disturbing activities to the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this article and, upon conviction, shall be subject to the penalties provided by this article.

(c) Upon determination of a violation of this article, the program administrator may, in

Minutes Acceptance: Minutes of Nov 13, 2012 7:00 PM (Minutes Acceptance)

conjunction with or subsequent to a notice to comply as specified in this article, issue an order requiring that all or part of the land disturbing activities permitted on the site be stopped until the specified corrective measures have been taken. If land disturbing activities have commenced without an approved plan, the program administrator may, in conjunction with or subsequent to a notice to comply as specified in this article, issue an order requiring that all of the land disturbing activities be stopped until an approved plan or any required permits are obtained. Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, or where the land disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this article. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply. The order for noncompliance with a plan shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the circuit court of the county. The order for disturbance without an approved plan or permits shall be served upon the owner by registered or certified mail to the address specified in the land records of the locality, shall be posted on the site where the disturbance is occurring, and shall remain in effect until such time as permits and plan approvals are secured, except in such situations where an agricultural exemption applies. If the alleged violator has not ~~obtained an approved plan or any required permits~~ implemented the specified corrective measures within seven days from the date of service of the order, the program administrator may issue ~~an a subsequent~~ order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until ~~an approved plan and any required permits have been obtained. Such an~~ such corrective measures are implemented. The subsequent order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the town. The owner may appeal the issuance of ~~an~~ any order to the circuit court of the county. Any person violating or failing, neglecting or refusing to obey an order issued by the program administrator may be compelled in a proceeding instituted in the circuit court of the county to obey the order and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted. Nothing in this section shall prevent the program administrator from taking any other action authorized by this article.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jay Tobias, Vice Mayor
<b>SECONDER:</b>	Katherine Harnest, Councilwoman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Tobias
<b>ABSENT:</b>	Milt Kenworthy

**5. Zoning Text Amendment Sec. 58-468**

Motion to adopt Resolution 20121113-C to amend the Town Code with Ordinance #ORD20121113-3

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, TOWN OF HAYMARKET, VIRGINIA (2004), AS AMENDED, BY AMENDING SECTION 58-468, RELATING GENERALLY TO RULES AND REGULATIONS OF BOARD OF ZONING APPEALS.**

BE IT ORDAINED by the Council for the Town of Haymarket, Virginia, meeting in regular session this 13<sup>th</sup> day of November, 2012:

Section 58-468 of the Code of Ordinances, Town of Haymarket (2004), as amended, is amended, as follows:

**Sec. 58-468.** - Rules and regulations of board of zoning appeals.

- (a) The board of zoning appeals shall adopt such rules and regulations as it may consider necessary.
- (b) The meeting of the board shall be held at the call of its chairman or at such times as a

Minutes Acceptance: Minutes of Nov 13, 2012 7:00 PM (Minutes Acceptance)

quorum of the board may determine.

(c) The chairman or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses.

(d) The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

(e) All meetings of the board shall be open to the public.

(f) A quorum shall be at least three members.

(g) A favorable vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass.

(h) In any appeal taken pursuant to this section, if the board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jay Tobias, Vice Mayor
<b>SECONDER:</b>	Mary-Lou Scarbrough, Councilwoman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Tobias
<b>ABSENT:</b>	Milt Kenworthy

**6. Zoning Text Amendment 58-553**

Motion to adopt Resolution 20121113-D to amend the Town Code with Ordinance #ORD20121113-4

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, TOWN OF HAYMARKET, VIRGINIA (2004), AS AMENDED, BY AMENDING SECTION 58-553, RELATING GENERALLY TO CREATION; BOUNDARIES.**

BE IT ORDAINED by the Council for the Town of Haymarket, Virginia, meeting in regular session this 13<sup>th</sup> day of November, 2012:

Section 58-553 of the Code of Ordinances, Town of Haymarket (2004), as amended, is amended, as follows:

**Sec. 58-553.** - Creation; boundaries.

(a) In order to preserve the unique cultural heritage of the town, there is hereby established an overlay district to be known as the "Old and Historic Town of Haymarket," which shall include all that area which lies within the corporate limits of the town.

(b) Prior to the expansion of the historic district the Town shall identify and inventory all structures being considered for inclusion in such a district and shall establish written criteria to be used in making such determination. The Town shall the identify all landmarks and designate by ordinance any building, structure, district, object, or site as part of a local historic district, subsequent to soliciting public input in a manner consistent with § 15.2-2204 of the Code of Virginia. The owners of such property proposed for designation shall be given written notice of the public hearing on the ordinance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jay Tobias, Vice Mayor
<b>SECONDER:</b>	Katherine Harnest, Councilwoman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Tobias
<b>ABSENT:</b>	Milt Kenworthy

**7. Board of Zoning Appeals Appointments**

Minutes Acceptance: Minutes of Nov 13, 2012 7:00 PM (Minutes Acceptance)

Motion to appoint Eric Mathews of 6600 Fayette Street; Jason Grogg of 6771 Madison Street, and Robert Day of 6945 Jockey Club Lane to the terms ending January 31, 2014, 2016 and 2017

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rebecca Bare, Councilwoman  
**SECONDER:** Katherine Harnest, Councilwoman  
**AYES:** Aitken, Bare, Harnest, Scarbrough, Tobias  
**ABSENT:** Milt Kenworthy

#### 8. ARB Membership Expansion

Tobias motions to remove the matter of the expansion of the Architectural Review Board membership for this Council Session, ending June 30, 2012

Tobias asks that the staff advertise the open position on the Planning Commission that was vacated.

Scarbrough recommends that we contact the persons that were interested this past summer in the vacant position.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jay Tobias, Vice Mayor  
**SECONDER:** Katherine Harnest, Councilwoman  
**AYES:** Aitken, Bare, Harnest, Scarbrough, Tobias  
**ABSENT:** Milt Kenworthy

#### 9. Policy

Tobias motions to adopt the Council Rules and Procedures as presented, with the effective date of November 13, 2012

The Mayor would like it noted for the record he will discuss his power of veto with the Town Attorney, the Mayor objects to this policy

**RESULT:** ADOPTED [3 TO 2]  
**MOVER:** Jay Tobias, Vice Mayor  
**SECONDER:** Rebecca Bare, Councilwoman  
**AYES:** Rebecca Bare, Katherine Harnest, Jay Tobias  
**NAYS:** Steve Aitken, Mary-Lou Scarbrough  
**ABSENT:** Milt Kenworthy

#### 10. Motion to call for a vote on the Council Rules and Procedures Policy

Motion to end discussions and call for a vote on the agenda item AGI-2012-70

**RESULT:** ADOPTED [3 TO 2]  
**MOVER:** Jay Tobias, Vice Mayor  
**SECONDER:** Rebecca Bare, Councilwoman  
**AYES:** Rebecca Bare, Katherine Harnest, Jay Tobias  
**NAYS:** Steve Aitken, Mary-Lou Scarbrough  
**ABSENT:** Milt Kenworthy

#### 11. Initiate ZTA

Jessica Saxton with Walsh, Colucci, Lubeley, Emrich, & Walsh PC, legal counsel for the applicant.

Motion to adopt Resolution #RES20121113-3 as documented and forward to the Planning Commission for their consideration if the amendment to the Town Code is in the best interest of the public.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jay Tobias, Vice Mayor
<b>SECONDER:</b>	Rebecca Bare, Councilwoman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Tobias
<b>ABSENT:</b>	Milt Kenworthy

#### 12. Temporary Occupancy Request

Motion that the Town Council approve a temporary occupancy permit for 6612 James Madison Highway, BUT EXPRESSLY CONDITIONED UPON THE FOLLOWING:

Temporary occupancy of tenant space that is to be vacated will not be permitted by the building inspector and a zoning permit will not be issued by the Town Council until the property owner has submitted a Minor [Site Plan] Modification application pursuant to Section 58-510 of the Town Code and addressing the following items:

- a. Revised building square footage and revised parking tabulations to account for the expansion of Next Level Fitness (i.e. the juice bar area)
- b. Striping plan for loading spaces / parking spaces for all uses within the complex to include spaces that are to be continued to be used by tenants within the Rose building
- c. Landscape plan identifying the landscape materials / landscape areas required by the previously approved site plan (Missing landscape materials to be planted / landscape areas to be installed).
- d. Dumpster locations for all dumpsters and screening as necessary
- e. Additional site lighting as necessary for public safety
- f. Unless accounted for on the site plan modification (i.e. parking areas) and attributed to the businesses located at the property, recreational bus storage and storage of trucks / trailers will not be permitted on the property without a requisite special use permit.

It is further moved that site improvements required by the minor modification shall be completed by the property owner within 6 months of Town Council approval of the minor site plan modification. A building occupancy permit will be issued upon completion of the required improvements. Failure of the property owner to complete the required improvements within the timeline prescribed above will result in the suspension of the temporary occupancy permit and a zoning violation notice will be issued to the property owner and tenant.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Steve Aitken, Councilman
<b>SECONDER:</b>	Rebecca Bare, Councilwoman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Tobias
<b>ABSENT:</b>	Milt Kenworthy

#### 13. Temporary Occupancy request 6630 James Madison Highway

I move that the Town Council approve a temporary occupancy permit for 6630 James Madison Highway, BUT EXPRESSLY CONDITIONED UPON THE FOLLOWING:

Temporary occupancy will not be permitted by the building inspector and a zoning permit will not be issued by the Town Council until the property owner has submitted a Preliminary Site Plan Application and the improvements listed below are completed.

- a. Striping of parking areas / handicapped parking areas identified on the interim parking plan within the shared access easement.
- b. Building inspector requirements for tenant up-fit.
- c. Clean up and/or screening of outdoor storage building materials / equipment stored on the property.

It is further moved that the Final Site Plan shall be submitted by the property owners within 6 months of the Town Council approval of the Preliminary Site Plan. Construction of the site improvements required by the final site plan shall be completed within 12 months of Town Council approval of the final site plan. An occupancy permit will be issued upon completion of the required improvements. Failure of the property owner to complete the required improvements within the timeline prescribed above will result in the suspension of the temporary occupancy permit and a zoning violation notice will be issued to the property owner and tenant.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Steve Aitken, Councilman  
**SECONDER:** Rebecca Bare, Councilwoman  
**AYES:** Aitken, Bare, Harnest, Scarbrough, Tobias  
**ABSENT:** Milt Kenworthy

## 8. Department Reports

- A. Police Report
- B. Building Official Report
- C. Treasurers Report

Council asks that the Alexandra's Keep remaining proffer funds be placed on the December agenda.

### D. Transfer of Funds - General Reserves to Museum

Motion to reallocate, out of General Reserves from the Alexandra's Keep revenue designated for Historic Resources to the Museum Programs budget line item, increasing that line item from \$3,000 to \$9,000

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jay Tobias, Vice Mayor  
**SECONDER:** Katherine Harnest, Councilwoman  
**AYES:** Aitken, Bare, Harnest, Scarbrough, Tobias  
**ABSENT:** Milt Kenworthy

- E. Town Managers Report

Sheetz Corporation has a mobile truck that distributes free coffee and drinks locally. They have asked if they can park in the Town Hall parking lot on Saturday. Any donations they get they would like to give to the Haymarket Food Pantry. No objections from Council

Last week we received four bids for the construction phase of the streetscape project. The low bidder is 10% higher than the estimate. Councilwoman Bare volunteers to sit on a committee to review the bids.

## 9. Closed Session

### 1. Enter into closed session

Motion to enter into closed session pursuant to 2.2-3711 A(7) Consultation with legal council regarding the streetscape project and regarding an existing contract with a town vendor

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jay Tobias, Vice Mayor  
**SECONDER:** Mary-Lou Scarbrough, Councilwoman  
**AYES:** Aitken, Bare, Harnest, Scarbrough, Tobias  
**ABSENT:** Milt Kenworthy

- 2. Attiva Corporation
- 3. Streetscape Settlement Agreement

**4. Certification of the Closed Session**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jay Tobias, Vice Mayor
<b>SECONDER:</b>	Rebecca Bare, Councilwoman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Tobias
<b>ABSENT:</b>	Milt Kenworthy

5. Directive for the Town Manager  
 The Town Council asks that the Town Manager take the legal advise from the Town's attorney with regard to the properties owned by the Rafferty's and Ms. Leonard

**10. Councilmember Time**

- A. Steve Aitken - PD Update
- B. Rebecca Bare - PC Update  
 PC will appoint a new liaison to the ARB, new text amendments will be coming, update on the Comprehensive Plan is still being worked on.
- C. Katherine Harnest - ARB Update  
 She would like the Planning Commission to review the possibility of the Town becoming a Certified Local Government. Bare will have the matter placed on the next Planning Commission Agenda. Also, she reminds that all correspondence regarding the ARB be sent to her and copy Lisa and Ken.
- D. Mary Lou Scarbrough
- E. Milt Kenworthy
- F. James Tobias  
 Tobias asks that all the street lights be repaired from the hurricane damage. Tobias asks about memo from Councilwoman Bare. Tobias notes that he would have liked the opportunity to have volunteered for the Town effort for victims of Hurricane Sandy in our northeast region. Bare adds that she feels if we are acting on behalf of the Town, as reported, we should inform the rest of the Council and give everyone an opportunity to help.
- G. David Leake

**11. Motion to Adjourn**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jay Tobias, Vice Mayor
<b>SECONDER:</b>	Rebecca Bare, Councilwoman
<b>AYES:</b>	Aitken, Bare, Harnest, Scarbrough, Tobias
<b>ABSENT:</b>	Milt Kenworthy

Submitted:

Approved:

\_\_\_\_\_  
 Jennifer Preli, Town Clerk

\_\_\_\_\_  
 David Leake, Mayor

Minutes Acceptance: Minutes of Nov 13, 2012 7:00 PM (Minutes Acceptance)





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TO: Town of Haymarket Town Council

SUBJECT: Ken Luersen - Resident

DATE: 12/03/12

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Mr. Luersen would like to address the Council this evening with his concern about the intersection of Washington and Jefferson Street.

**ATTACHMENTS:**

- Luersen - Citizens' Time - Bike Lane Safety Problems at Jefferson and 55 (PDF)

# Citizen Time – Bike Lane Safety Problem at Jefferson St. and Washington St.(Rte. 55)

Presented by Ken Luersen  
December 3, 2012

# Issue

The intersection of Jefferson Street and Washington Street (State Route 55) is beginning to see more traffic as the Haymarket/Gainesville area grows. Since the intersection is land locked by its surrounding buildings and cannot be expanded to support turn lanes, congestion due to left turning traffic is growing while the impatience level of the motorists are shortening. This leads to a safety issue with cars using the bike lanes as a bypass lane to circumvent turning traffic. This concern is obviously shared by the town and VDOT, because pedestrian walk signs have been installed at this intersection; however, this does not address the safety of bicyclists. Therefore, I request that the Town council take action to determine and enact a solution that will address this issue. To follow up on this request, I would like to recommend a solution.

# Recommended Solution

To prevent/deter motorists from using the bike lane as a by-pass lane, I recommend the council enact to permanently install flexible traffic posts (ones typically used during construction to divert traffic [reference Gallerher and X-road tracks]) on all four corners of the intersection. This will actually solve several issues. Besides blocking motorists from using the bike lane, it will also help warn bicyclists of the intersection, subliminally making them more alert to look for turning traffic.



# Conclusion

By blocking traffic from using the bike lane, the town can:

- ▶ Increase the safety of pedestrians and bicyclists crossing the intersection
- ▶ Reduce the possibility of vehicle accidents caused by by-passing vehicles colliding into left turning vehicles
- ▶ Reduce congestion by guaranteeing opposing left turning vehicles to turn concurrently without the threat of a by-passer impeding their path.



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TO: Town of Haymarket Town Council  
SUBJECT: Tree Dedication - Ed Milhous  
DATE: 12/03/12

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The Town received the following correspondence from Mr. Ed Milhous, Certified Arborist

"I propose to plant a shade tree - black gum, white oak, or swamp white oak - in memory of Alan Gossom. (I had planted the saw tooth oak at the Museum in memory of Jimmy Gossom, so it seems fitting.)

See attached for location.

This is of course based on approval by the Council and Museum director. Let me know, please."

Ed Milhous

Registered Consulting Arborist® #350  
Certified Arborist #MA-0004A  
Haymarket, Va  
<http://www.treesplease.com>

**ATTACHMENTS:**

- Location (PDF)



new tree

Attachment: Location (1224 : Tree Dedication - Ed Milhouse)



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TO: Town of Haymarket Town Council  
SUBJECT: Policy on Council Rules of Procedure  
DATE: 12/03/12

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On November 13, 2012, a majority of the Town Council adopted the attached Rules of Procedures. On November 16, the Clerk received a veto of the policy from Mayor Leake. The Town Attorney instructed the Town Clerk to place the matter on the next Town Council agenda for their consideration.

**ATTACHMENTS:**

- Mayor's Veto of Policy (PDF)
- POL20121113 Council Rules of Procedure (PDF)



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## MEMORANDUM

**To:** Jennifer Preli, Town Clerk

**From:** Mayor David M. Leake

**Date:** November 16, 2012

**Subject:** Notice of Veto "Rules of Procedure"


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Jennifer,

Please record the following comments into the official meeting record/minutes for the November 13, 2012 town council meeting books as per the charter requires.

As Mayor of the Town of Haymarket, I hereby veto the Rules of Procedure Resolution as presented and voted on in the agenda packet for the following reasons:

1. The agenda item was to set a workshop date to fully discuss this and other needed procedures.
2. By replacing the words Mayor with Town Council in this revised Middleburg resolution it is an attempt to empower the town council beyond the Town Charter and general law. It is an attempt to remove or limit the powers and duties of the Mayor / Chair and is not consistent with the office of Mayor and general principals of parliamentary procedure.
2. The process used to establish this resolution was self-serving and completely eliminated and overlooked general principals and protocol. The prior off-site and closed discussion(s) and/or meetings by only select council members as noted by Ms. Bare was obvious in the urgent motion to call for vote.

  
\_\_\_\_\_  
David M. Leake, Mayor  
Town of Haymarket

  
Received 11/16/2012

## **Resolution: AMEND COUNCIL RULES OF PROCEDURE**

**BE IT RESOLVED** by the Town Council of the Town of Haymarket, in accordance with the Town Charter, that the following Council Rules of Procedure be adopted with an effective date of November 13, 2012, as set forth hereafter:

## **RULES OF PROCEDURE**

### **Introduction**

These rules of procedure were designed and adopted for the benefit and convenience of the Haymarket Town Council. Their purpose is to help the Town Council conduct its affairs in a timely and efficient manner. They incorporate the general principles of parliamentary procedure found in *Robert's Rules of Order Newly Revised* and applicable Virginia laws. The rules of procedure do not supersede the provisions of the Town Charter. The rules of procedure do not create substantive rights for third parties or participants in proceedings before Town Council. Further, the Town Council reserves the right to suspend or amend the rules of procedure whenever a majority of Council decides to do so. The failure of the Town Council to strictly comply with the rules of procedure shall not invalidate any action of Town Council.

## **SECTION 1 - PURPOSE AND BASIC PRINCIPLES**

### **Section 1-1. Purpose of Rules of Procedure**

- A. To enable the Haymarket Town Council to transact business fully, expeditiously and efficiently while affording every opportunity to citizens to witness the operations of government;
- B. To protect the rights of each individual Council member;
- C. To preserve a spirit of cooperation among Council members; and
- D. To determine the will of Town Council on any matter.

### **Section 1-2. Basic Principles Underlying Rules of Procedure**

- A. The business of the Town Council should proceed in the most efficient manner possible;
- B. Town Council's rules of procedure must be followed consistently;
- C. Town Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules;
- D. Only one subject may claim the attention of Town Council at one time;
- E. Each item presented for consideration is entitled to full and free discussion;
- F. Every member has equal rights to participate and vote on all issues, as provided by the Town Charter;
- G. Every member must have equal opportunity to participate in decision making;
- H. The will of the majority must be carried out, and the rights of the minority must be preserved; and
- I. The Council must act as a body.

## SECTION 2 – MEETINGS

### Section 2-1. When and Where Regular Meetings are Held

The time and place of regular meetings of the Haymarket Town Council (hereinafter referred to as the Council) shall be established as follows:

Tuesday, prior to regularly scheduled Council meeting, 3:00 p.m. – Work Session

First Monday of the month, 7:00 p.m. – Regular meeting

Meetings shall be held in the Town Hall Council Chambers. The Council may hold additional meetings or work sessions at other locations and times, or may change the locations and times of regularly scheduled meetings or work sessions as it deems appropriate to do so. Notice of such additional meetings or changes to the location or time of regularly scheduled meetings or work sessions shall be provided to the public and the press as required by State Code.

#### Section 2-1.1. Continued Meetings

A regular meeting shall be continued to a date to be agreed upon in open session at the same time and place as the regular meeting. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

### Section 2-2. Special and Emergency Meetings

A. The Council may hold such special meetings, as it deems necessary, at such times and places as it may find convenient; and it may adjourn from time to time. A special meeting of the Council shall be called pursuant to Article III, Section 1(10) of the Town Charter.

B. Special meetings may be called by the Mayor, or any two (2) members of the Council in writing to the Clerk of Council for the purpose stated in the notice of the special meeting. The Clerk of Council shall forthwith notify the members of the Council of the time and place designated and the purpose of the meeting. Written notice of the special meeting shall be delivered to each member of the Council by giving reasonable notice at his or her place of abode or place of business or via e-mail. Only matters specified in the notice of the special meeting shall be considered unless (1) all of the members of the Council are present and (2) the Council determines in good faith at the meeting that it is essential to discuss or act on such additional item(s) immediately.

C. Emergency meetings may be called by the Mayor or any two members of Council in writing to the Clerk of the Council for the purpose stated in the notice of the emergency meeting. The Clerk of Council shall forthwith notify the members of the Council of the time and place designated and the purpose of the meeting. Written notice of the emergency meeting shall be delivered to each member of the Council by giving reasonable notice at his or her place of abode or place of business or via e-mail. Only matters specified in the notice of the emergency meeting shall be considered unless (1) all of the members of the Council are present and (2) the Council determines in good faith at the meeting that it is essential to discuss or act on such additional item(s) immediately.

D. In accordance with the Code of Virginia, 2.2-3707(D) Notice, reasonable under the circumstance, of special or emergency meetings shall be given contemporaneously with the notice provided members of the public body conducting the meeting, the Town Attorney, and the Town Manager.

### Section 2-3. Legal Holiday

When a regularly scheduled Monday meeting falls on a legal holiday, the meeting shall be held on the following Tuesday unless the meeting is canceled or otherwise rescheduled by a majority vote of the Council.

#### **Section 2-4. Adjourned or Recessed Meetings**

A. A meeting of the Council is adjourned when the Council has finished its business and is bringing the meeting to a close, with the intention of holding another meeting at a later date. Generally, when a meeting of the Council is adjourned, the next meeting of the Council is preceded by opening ceremonies. A meeting of the Council is recessed when the Council takes a break between sittings and after the recess business is resumed where it left off.

B. A properly called regular, additional scheduled, or special meeting may be recessed or adjourned to a time and place certain by a motion made and adopted by a majority of the Council in open session during the regular, additional scheduled, or special meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed or adjourned session of a properly called regular, additional scheduled or special meeting.

#### **Section 2-5. Cancellation or Rescheduling of Meetings**

A regularly scheduled meeting may be cancelled or rescheduled, in special circumstances and for the convenience of Council, if the change would not impact an advertised public hearing or a scheduled public presentation. The Council shall agree to any such change and the remaining members of the Council shall be immediately notified of the change and the reason therefore. The public and the media shall be notified promptly of the change.

#### **Section 2-6. Organizational Meeting**

A. The first meeting in July of each year in which a Council election is held shall be known as the organizational meeting.

B. The Vice Mayor shall be elected at the organizational meeting for a term of two years in accordance with the procedures set out in Section 2-7.

C. Following the election of the Vice Mayor, the Council shall make Liaison assignments as appropriate.

#### **Section 2-7. Procedure for Election of Vice Mayor**

A. Election of the Vice Mayor at the organizational meeting shall be accomplished in accordance with the following procedures:

1. The Mayor shall call for nominations from the Council.
2. Any Council member, after being recognized by the Mayor, may place one or more names in nomination and discuss his or her opinions on the qualifications of the nominees.
3. After all nominations have been made the Mayor shall close the nominating process and open the floor for discussion.
4. After discussion the Mayor shall call for the vote on each nominee in the order his or her name was placed into nomination.
5. A majority of those voting shall be required to elect the Vice Mayor.

B. The Vice Mayor shall serve until a successor is elected by the Town Council.

#### **Section 2-8. Seating Arrangement**

The Mayor shall occupy the center seat on the dais. Members of the Council shall select among seats according to seniority, unless determined otherwise by Council.

## SECTION 3 – OFFICERS

### Section 3-1. Mayor and Vice Mayor

The Mayor shall preside over all meetings of the Council; and, shall only vote in the case of a tie, as provided by the Town Charter. The Vice Mayor serves in the absence of the Mayor. In the absence from any meeting of both the Mayor and Vice Mayor, the Council members present shall choose one of their members as temporary presiding officer.

### Section 3-2. Parliamentarian

The Town Attorney shall serve as the Parliamentarian for the purpose of interpreting these Rules of Procedure, the Code of Virginia (1950), as amended, as may be directed by the presiding officer, or as required as a result of a point of order raised by one or more Council members. If the Town Attorney is unavailable, the Town Manager shall serve as the Parliamentarian. All legal questions from Mayor and Council on all Town business shall be addressed to the Town Attorney.

### Section 3-3. Preservation of Order

A. At meetings of the Council, the presiding officer shall preserve order and decorum. The presiding officer shall have the following powers:

1. To rule motions in or out of order, including any motion not germane to the subject under discussion or patently offered for obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
3. To call a brief recess at any time;
4. To adjourn in an emergency.

B. A decision by the presiding officer under either of the first two powers listed above may be appealed to the Council upon motion of any member. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order. There are two exceptions to this right of appeal. The presiding officer may adjourn without the Council's vote or appeal in an emergency, and he or she may also call a brief recess without a vote at any time for the purpose of restoring calm.

## SECTION 4 – AGENDA

### Section 4-1. Preparation

- A. The Town Clerk shall prepare an agenda for the regularly scheduled meetings conforming to the order of business specified in Section 5-1 entitled "Order of Business".
- B. Any Council member may request that items be placed on a meeting agenda by contacting the Clerk at least seven (7) days prior to the Council meeting for which they wish the item scheduled. The Clerk shall place requested items on the agenda for the next regular meeting or work session, as appropriate, following the request.
- C. Any member of the public may request that items be placed on a meeting agenda by contacting the Clerk at least seven (7) days prior to the Council meeting for which they wish the item scheduled. Items that are based upon a statutory requirement will automatically be placed on the agenda by the Clerk. Requests for items that do not have a statutory requirement may only be added to the agenda if a member of Council agrees to sponsor such request.
- D. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline shall be placed on the following regular work session agenda for consideration.
- E. Nothing herein prohibits the Council from adding items to the agenda, provided that such a request is in the form of a motion, voted upon by a majority of the Council. Members must use discretion in requesting the addition of items on the agenda. It is considered desirable to have items listed on the published agenda.
- F. Unless required by law, no item will be scheduled for a public hearing unless by the vote of a majority of the Council to hold a public hearing on the item.

### Section 4-2. Delivery of Agenda

The Council meeting package, including the agenda and related materials, shall be delivered to each member of the Council and the Town Attorney the Friday prior to the Tuesday work session and the Thursday prior to the Monday regular Council meeting .

### Section 4-3. Copies

The Town Clerk shall prepare or cause to be prepared extra copies of the meeting package and shall make the same available to the public and the press in the Town Hall for public inspection.

### Section 4-4. Internet

The Town Clerk shall post the agenda for all Town meetings and work sessions on the Internet for public information as promptly as possible.

## SECTION 5 -- ORDER OF BUSINESS FOR COUNCIL MEETINGS

### Section 5-1. Order of Business

A. At regular meetings of the Council on the 1<sup>st</sup> Monday of the month, the order of business shall generally be as follows:

1. *Call to Order*
2. *Pledge of Allegiance*
3. *Public Hearings (if any)*
4. *Approval of the meeting minutes*
5. *Citizens' Time*
6. *Updates*
7. *Agenda Items*
8. *Appropriations*
9. *Department Reports*
10. *Closed Session*
11. *Councilmember Time*
12. *Adjournment*

B. The above order of business may be modified by the Town Clerk, as directed by the Mayor or Majority of Council, to facilitate the business of the Council.

C. Council work sessions are less formal meetings and the agenda may be as prepared by the Town Manager and Town Clerk to best facilitate the business of the Council.

### Section 5-3. Citizen Participation

A. Every petition, communication or address to the Council shall be in respectful language and is encouraged to be in writing.

B. Public Comment

1. Individuals or groups wishing to speak at a regular Council meeting shall be recognized by the presiding officer during the Public Comment section of the meeting. Groups wishing to make a presentation are encouraged to submit a written request to the Clerk of Council by noon on the Thursday prior to the regular meeting date.

2. Public comments shall be for the purpose of allowing members of the public to present any Town business related matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council.

3. Candidates running for any public office who wish to appear before the Council on issues related to their candidacy shall do so under Public Comments; and, shall adhere to the five minute time limit.

4. Remarks shall be addressed directly to the Council and not to staff, the audience, or the media.

5. The presiding officer shall open the Public Comments.

6. Each speaker shall clearly state his or her name and address. If the speaker is uncomfortable stating his or her address in public, he or she may provide that information privately to the Clerk of Council after speaking.

7. There shall be a time limit for each individual speaker of 5 minutes.

8. A representative of a group may have up to ten (10) minutes to make a presentation. The representative shall identify the group at the beginning of his or her presentation. A group may have no more than one spokesperson.

9. There shall be no comment by speakers during Public Comment on a matter for which a public hearing is scheduled during the same meeting.

10. Any issue raised by the public which the Council wishes to consider may be put on the agenda for a future Council meeting or work session by consent of the Town Council.

11. Once the Council has heard a presentation from an individual or organization on a particular subject that has been previously denied by the Town Council or for which the Town Council declined to advance consideration thereof, the individual or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the members of the Council present and voting.

12. The above rules notwithstanding, members of the public may present written comments to the Council or to individual Council members at any time during the meeting. Such written comments shall be submitted through the Town Clerk.

C. Other than as stipulated above or during public hearings, no person shall be permitted to address the Council orally, except by permission of the Council, and such permission shall not be granted unless with the consent of a majority of the members of the Council present at such meeting.

D. No speaker's time shall be extended except by a majority vote of the Council members present.

E. Any person who desires to submit written statements for forwarding to the Council prior to a Council meeting must submit a copy to the Clerk of Council by 12:00 noon on the Tuesday preceding the Council meeting.

#### **Section 5-4. Prohibited Conduct**

A. Persons appearing before the Council will not be allowed to:

1. Market or solicit business from the Town;
2. Use profanity or vulgar language or gestures;
3. Use language which insults or demeans any person or which, when directed at a public official or employee is not related to his or her official duties, however, citizens have the right to comment on the performance, conduct, and qualifications of public figures;
4. Make non-germane or frivolous statements;
5. Interrupt other speakers or engage in behavior that disrupts the meeting including but not limited to applause, cheers, jeers, etc.;
6. Engage in behavior that intimidates others;
7. Address the Council on issues that do not concern the services, policies or affairs of the Town.

B. The presiding officer shall preserve order and decorum at Council meetings. He or she may order the expulsion of any person, other than members of the Town Council, for violation of these rules, disruptive behavior, or any words or action which incites violence or disorder, subject to appeal to the Council. Any person so expelled shall not be readmitted for the remainder of the meeting from which expelled. Any person who has been so expelled and who at a later meeting again engages in behavior justifying expulsion may also be barred from attendance at future Council meetings for a specified and reasonable period of time not to exceed six months, or upon a still subsequent expulsion a period not to exceed one year either by the presiding officer, subject to appeal to the Council, or by motion passed by the Council.

#### **Section 5-5. Public Hearings**

A. This section of the agenda shall be for public hearings as required by Town, State, or Federal law, or as the Council may direct.



- B. The presiding officer shall conduct all public hearings.
- C. The order of public hearings shall be as follows:
1. The presiding officer shall open the public hearing.
  2. Hearings shall begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission or committee upon recognition of the presiding officer. The presentation shall summarize the facts about the issue and the staff recommendation. Council members may seek clarification during the presentation.
  3. In land use cases (rezoning or conditional use permit) the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation.
  4. The presiding officer shall then solicit comments from the public. Each speaker must clearly state his or her name and address. If the speaker is uncomfortable stating his or her address in public, he or she may provide that information privately to the Clerk of Council after speaking. There shall be a time limit of five (5) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of ten (10) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The Council, by majority vote of the members present, may allow any speaker to proceed past the time limit.
  5. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.
  6. Upon the conclusion of public comments, or the applicant's rebuttal in a land use case, the presiding officer shall close the public hearing.
- D. When a public hearing has been closed by the presiding officer, no further public comment shall be permitted. Council members, however, may direct questions to the applicant, the representative of the cognizant board, authority, commission, committee, to a speaker, or to a staff member for clarification prior to taking any vote, if a vote is in order.
- E. Following the close of the public hearing, the presiding officer may entertain a motion to dispose of the issue and the Council may debate the merits of the issue.

#### **Section 5-6. Action Items**

This section of the agenda shall include items of a general nature to be considered by the Council. After the presiding officer has stated the item for consideration, staff may be asked to provide a brief summary.

#### **Section 5-7. Items Not on the Agenda**

With the Council's consent, items may be added to the agenda to respond to situations and/or questions of a critical nature which have arisen after the deadline has passed for items to be placed on the agenda.

#### **Section 5-8. Closed Meetings**

- A. Closed Meetings should only be used when the matter to be discussed is too sensitive for discussion in public and only as allowed by law.
- B. No meeting shall become a Closed Meeting until the Council takes an affirmative record vote during the open meeting.
1. The motion shall state specifically the purpose or purposes which are the subject of the closed meeting and reasonably identify the substance of the matters to be discussed. The motion shall make specific reference to the applicable exemption(s) under the Freedom of Information Act, which authorizes the Closed Meeting.

2. Members shall request the assistance of the Town Attorney when making additions to the published Closed Meeting agenda.

C. No resolution, ordinance, rule, contract, regulation or motion considered in a Closed Meeting shall become effective until the Council reconvenes in an open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation or motion which shall have its substance reasonably identified in the open meeting.

D. At the conclusion of a Closed Meeting, the Council shall reconvene in open meeting immediately thereafter and shall cast a vote certifying that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements were discussed; and;

2. Only public business matters identified in the motion convening the Closed Meeting were heard, discussed or considered.

3. Any member who believes that there was a departure from the above requirements shall so state prior to the presiding officer's call for the vote, indicating the substance of the departure that, in his or her judgment, has taken place.

E. The failure of the certification to receive the affirmative vote of the majority of the members present during the Closed Meeting shall not affect the validity or confidentiality of the Closed Meeting with respect to matters considered therein in compliance with the Freedom of Information Act.

F. Upon the vote of the Council as a part of the motion to convene the Closed Meeting, the Council may permit non-members to attend a Closed Meeting if their presence would reasonably aid the Council in its consideration of an issue.

G. Individuals attending a Closed Meeting should respect the Council's decision that the subject matter is too sensitive for public discussion and should treat the Closed Meeting discussion as confidential. The Council shall remind those attending the Closed Meeting of their duty in this regard as a part of their certification motion.

## SECTION 6 – RULES OF PROCEDURE FOR COUNCIL MEETINGS

### Section 6-1. Quorum

A. As provided by Section 15.2-1415 of the Code of Virginia, the Council may exercise any of the powers conferred upon it at any regular, special, or adjourned meeting at which a quorum is present. According to Article III of the Town of Haymarket Charter, a majority of the members of Council constitutes a quorum for the transaction of business. In the event that a meeting is held without a quorum of the Council, the Council may not take any action, whether formally or by consensus, including conducting public hearings.

B. If a quorum fails to attend any meeting that contains agenda items requiring action on the part of the Council, no action shall be taken and the Town Clerk shall enter such adjournment to the next regularly scheduled meeting in the minute book of the Council. The Clerk shall notify absent members thereof in the same manner as required for special meetings.

C. If the Virginia Conflict of Interests Act prevents some of the members of the Council from participating in an item of business, Sections 2.2-3112 and 15.2-1415 of the Code of Virginia provide that a majority of the remaining members of the Council shall constitute a quorum.

### Section 6-2. Priority in Speaking on the Council

When two or more members of the Council wish to speak at the same time, the presiding officer shall name the one to speak first.

### Section 6-3. Comments, Queries of Council Members

Council members are to observe the following rules during the discussion of agenda items:

A. The presiding officer shall keep discussion germane to the subject.

B. Council members may address questions to the Town Manager, staff or other appropriate individuals present at the meeting. All legal questions should be addressed to the Town Attorney.

### Section 6-4. Action by the Council

A. Items of business will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

B. When a proposal is perfectly clear to all present, and the proposal will not obligate the Council in any manner nor finally decide an issue before the Council, action can be taken upon the unanimous consent of the Council members present, without a motion having been introduced. However, unless agreed to by unanimous consent, all proposed actions of the Council must be approved by vote under these rules. Silence, or the lack of spoken dissent, is taken as consent.

### Section 6-5. Motions

A. Informal discussion of a subject is permitted while no motion is pending.

B. Any voting member may make a motion.

C. Voting members are required to obtain the floor before making motions or speaking, which they can do while seated.

D. A voting member may make only one motion at a time.

E. Except for matters recommended by a Council committee, or as otherwise stipulated in these rules of procedure, all motions require a second and a motion dies for lack of a second.

### Section 6-6. Substantive Motions

A. A substantive motion is any motion that deals with the merits of an item of business and is within the Council's legal powers, duties and responsibilities.

B. A substantive motion is out of order while another substantive motion is pending.

### Section 6-7. Procedural Motions

A. Procedural motions are those motions that the Council may use to "act upon" a substantive motion by amending it, delaying consideration of it, and so forth. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

B. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion requires the floor and a second, is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are listed below in their order of priority. If a procedural option is not listed below, then it is not available.

1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council which shall decide the matter by majority decision. Such an appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order.

2. Motion To Adjourn. At a meeting of the Council, a motion to adjourn shall always be in order. The motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. The motion is not debatable and cannot be amended.

3. To Take a Brief Recess. This motion allows the Council to pause briefly in its proceedings. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending

4. To Suspend the Rules. The Council may suspend provisions of its rules of procedure. The Council may not, however, suspend any provisions of the rules that state requirements imposed by law on the Council. For adoption, a motion to suspend the rules requires a majority vote of members present.

5. To Defer Consideration. The Council may defer action on a substantive motion to a more convenient time. The Council may use the following motions to defer consideration of a substantive motion:

- (a) The motion to "lay on the table" is used to temporarily set aside an item of business to deal with a more urgent item. Once an item of business has been laid on the table, a motion to "take from the table" is needed to bring the item back before the public body for discussion.
- (b) (b) The motion to "postpone" delays debate on an item of business so that it may be considered at a later date. An item of business may be "postponed definitely," when it is continued to a definite time or date or "postponed indefinitely" if no future time or date is specified in the motion. A matter that has been postponed to a certain time or day shall be brought up again automatically when that time arrives. When a matter has been postponed indefinitely it takes an affirmative vote of a majority of the Council to bring the matter back for further discussion.

(c) Section 15.2-2286 of the State Code requires that a zoning petition must be "acted upon" within a "reasonable time," not exceeding one year. The Council may defer action on a zoning petition for consideration at a more convenient time. However, the Council may not dispose of a zoning petition with a motion to postpone indefinitely.

6. Call the Question. The motion to call the question is not in order until every member of the Council has had an opportunity to speak at least once and. The motion is not amendable or debatable.

7. To Amend. Any substantive motion properly on the floor may be amended. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a substitute motion. A motion may be amended no more than twice. Once a motion has been offered to the Council, it is up to the Council to decide whether or not it should be changed by amendment. It is not necessary for the person making the original motion to approve of any proposed amendment to the motion.

8. Substitute Motion. A substitute motion shall be allowed to replace any motion properly on the floor. It shall have precedence over an existing motion and may be discussed prior to being voted on. If the substitute motion fails, the former motion can then be voted on. If the substitute motion passes, the substitute motion replaces the main motion and the matter is decided. No more than one (1) substitute motion may be made.

9. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever occurs first.

10. Motion to Reconsider. The Council may vote to reconsider its action on a matter. The motion to reconsider must be made no later than the next succeeding regular meeting of the Council and can only be made by a member who voted with the prevailing side. In the event of a tie vote on the original motion any Council member may introduce a motion to reconsider. The motion cannot interrupt deliberation on a pending matter but is in order when action on a pending matter concludes. A motion to reconsider may not be used in a land use decision involving a rezoning or a conditional use permit.

### **Section 6-8. Debate**

A. The presiding officer shall state the motion and then open the floor to debate. The presiding officer shall preside over the debate according to the following general principles:

1. The maker of the motion is entitled to speak first;
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
3. To the extent possible, the debate shall alternate between proponents and opponents of the measure.
4. A member of the Council may vote against his or her motion, but may not speak against his or her motion.
5. The presiding officer may participate in the debate prior to declaring the matter ready for a vote.

### **Section 6-9. Duty to Vote**

A. Each voting member of the Council who is present at a meeting is expected to vote upon all issues presented for decision unless prohibited from doing so by the Virginia Conflict of Interests act.

B. If there is an abstention, it shall be the responsibility of the Town Clerk to note the abstention and the reason for abstaining, if stated, for the record.

### **Section 6-10. Method of Voting**

A. After debate, the presiding officer shall ensure that the motion is clear and call for the vote.

B. All questions submitted to the Council shall be determined by a majority vote of the members voting on any such question, unless otherwise required by special or general law. A majority is more than half.

C. An “affirmative vote” by a majority of the Council present being necessary to adopt a motion, a tie vote means that the motion has been rejected. When a motion fails on a tie vote, the “noes” prevail.

**Section 6-11. Decisions on Points of Order**

Any Council member may raise a point of order without being recognized by the presiding officer. The presiding officer shall refer any point of order to the Parliamentarian. The Parliamentarian shall advise the presiding officer who shall then make a ruling on the point of order. A Council member may appeal the ruling of the presiding officer to the full Council which shall decide the matter by majority decision.

## SECTION 7 - BOARDS, AUTHORITIES, COMMISSIONS AND COMMITTEES

### Section 7-1. Appointments to Boards, Authorities, Commissions, and Committees

A. Members of boards, commissions and committees requiring a Council vote shall be appointed by an affirmative vote of a majority to serve specified terms as may be deemed to be appropriate by the Council or as specified by statute.

B. The Council by majority vote shall select the liaisons for the following: Planning Commission, Architectural Review Board, Finance, Police and Historical Commission. The liaisons shall be responsible for leading the discussion of the standing committees during Council meetings and for keeping the Council informed on issues related to their respective committees. Committee liaisons will serve two-year terms.

C. Ad hoc committees, such as special task forces, may be created from time to time, for specific purposes, as determined by the Council.

### Section 7-2. Standing Committees Roles and Guidelines

The roles of and the operating guidelines for the standing committees shall be as adopted by a majority of the Council.

## **SECTION 8 -- GENERAL OPERATING POLICY**

### **Section 8-1. Live Streaming via Webcast and Recording of Town Business**

All meetings and work sessions of the Council, Planning Commission, Architectural Review Board, Historic Commission and Board of Zoning appeals will be aired live via Webcast. Any additional gatherings may be aired via Webcast at the discretion of the Town Manager when in the best interest of the public, notwithstanding technology failures, power outages, and other complications beyond the control of the Town Staff. Copies of the broadcast may be obtained via the Town's website by download. If a copy of a meeting is desired, charges may apply.

### **Section 8-2. Numbering and Indexing of Resolutions and Ordinances**

It shall be the responsibility of the Clerk to number and index all resolutions and ordinances adopted by the Council. The resolutions shall be numbered consecutively, and use the four digits of the calendar year, the month and day.

Example: for the first resolution made on January 1, 2013, the resolution number would be shown as: RES201301-01. Ordinances shall also be numbered consecutively.

### **Section 8-3. Minutes of the Council Meetings**

The minutes of the Council meetings shall reflect the official acts of the Council. They shall provide a summary of discussion and record Council votes. Minutes shall be considered for approval within a reasonable time after the meeting they record.

### **Section 8-4. Amending the Rules of Procedure**

These rules may be amended at any regular meeting, or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting. Adoption of an amendment shall require an affirmative vote of four (4) members of the Council.

### **Section 8-5. Special Rules of Procedure**

The Council may adopt its own special rules of procedure to cover any situations that are not adequately addressed in these Rules of Procedure. Adoption of a special rule of procedure shall require an affirmative vote of a majority of a quorum of the Council.



## **SECTION 9 – CORRESPONDENCE POLICY**

### **Section 9-1. Town Clerk**

All correspondence for Council, Commissions, Boards and Staff should be copied to Town Clerk to ensure proper recording keeping.

### **Section 9-2. Town Attorney**

Mayor and Council need to address all legal questions to the Town Attorney. The Town Attorney should be copied on any and all correspondence on town municipal matters.



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TO: Town of Haymarket Town Council

SUBJECT: Welcome Signs

DATE: 12/03/12

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The Architectural Review Board is seeking input and direction from the Town Council with regard to "Welcome to Haymarket Signs". Please see the attached and provide any recommendations you may have.

**ATTACHMENTS:**

- Town Welcome Sign Project Request-20121203 (PDF)

# Town Welcome Sign Project Request

Proposed by the ARB  
December 3, 2012

# Request Purpose

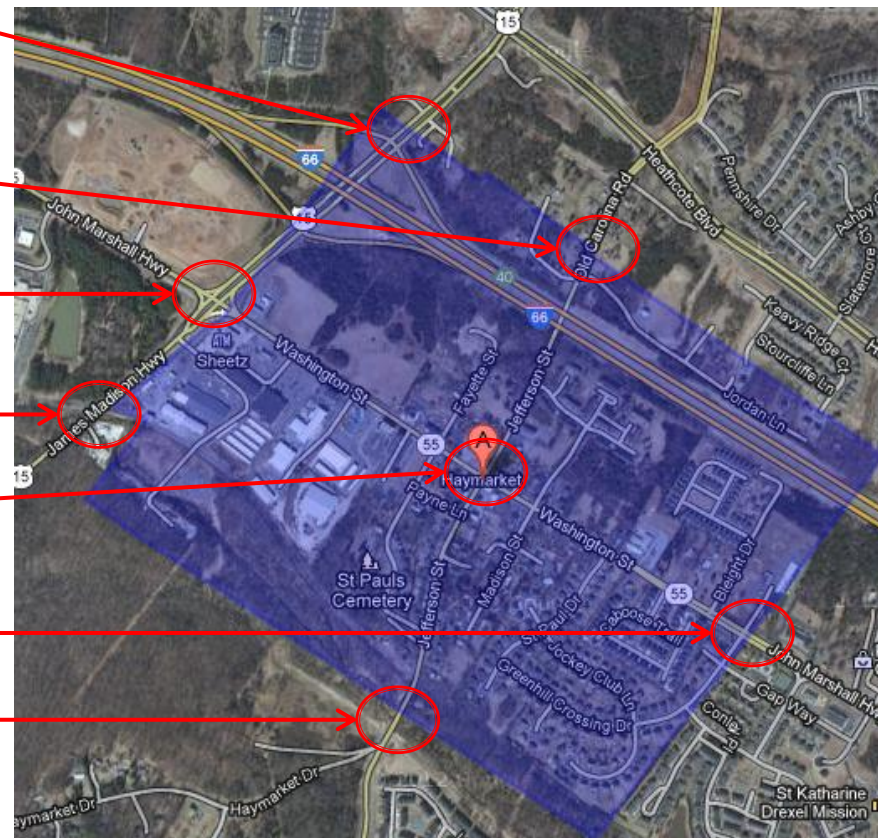
The ARB has seen the town and its surrounding communities quickly grow in the past two decades and stall due to economic influence. The ARB sees the growth beginning again, but knows that the town will develop at a slower and more controlled rate than its surrounding communities due to the historic protective measures put in place by the council to foster an old town ambience. To help identify the boundaries that separate our town from these faster developing communities and to help brand us as a historic town as well as promote a warm greeting to all visitors, the ARB would like to formally request that the town council consider investing in town welcome signs. The ARB has already started the initial phase of this project as presented in this packet by identifying what we believe to be the entry points of concern, and sign concepts for these entryways. If you have any questions or concerns, feel free to contact the ARB Liaison or ARB Chair.

# Concept Overview

- ▶ The ARB has identified 6 entryways into the town and proposes a sign plan for Town owned properties.
- ▶ The Westerly side of town is considered the “Gateway” because of Rt15 and I66 access. There are three entry points associated with the Gateway.
- ▶ The North and South entryways are considered as secondary entry points since entry is through a secondary road.
- ▶ The Easterly entryway is considered a primary entry point but should be limited in scale do to its residential zoning.
- ▶ Two of the Westerly entryways can be immediately addressed; while the third entry point will need VDOT planning and coordination.

# Proposed Sign Locations

- ▶ Site 1 – Southbound Rt15
- ▶ Site 2 – Southbound Jefferson Street
- ▶ Site 3 – Eastbound Rt55
- ▶ Site 4 – Northbound Rt15
- ▶ Site 5 – Town Properties
- ▶ Site 6 – Westbound Rt55
- ▶ Site 7 – Northbound Jefferson Street

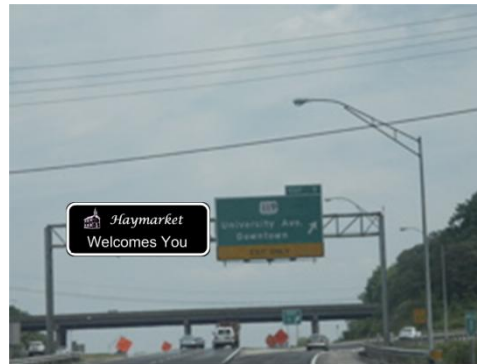


Attachment: Town Welcome Sign Project Request-20121203 (1220 : Welcome Signs)

# Site 1 – Sign Concept

- ▶ With the construction of the Rt15/66 Interchange three years away, only a preliminary concept can be proposed for the Southbound Rt15 entrance. Rt15 will be developed as a major thoroughfare and therefor, will need prominent signage. The ARB presently has two ideas:
  - Add a welcome sign to the overhead signage used to direct on/off ramp traffic.
    - Pro's – closer to the property line, Cheaper
    - Con's – Signage type (overhead, roadside, ....) and ownership maybe outside Town control
  - Build in a welcome message to the Fly-over
    - Pro's – more appealing
    - Con's – could get blocked by other signage, further from property line, expensive

**Note:** This concept will need to be negotiated now with VDOT to get worked into the design of the Interchange



# Site 2 and 7 – Sign Concept

- ▶ The ARB does not consider the north and south bound entryways of Jefferson street as major entry ways into town. Therefore, the ARB feels that a simple and more subtle approach should be taken here. Presently, there is a green corporate limits sign, but the ARB feels it is easily missed and does not present the branding of the town. We feel that another sign should be added that compliments the corporate limits sign yet together would stand out more and help enforce the town branding.



Alone



Paired



# Site 3 – Sign Concept

- ▶ The eastbound entryway of Rt15 poses a challenge. With the presence of strip malls at all four corners, there will be too many details for an appropriate sized sign to be noticed. Therefore, the ARB feels a small sign the is placed above the street lights will give the most impact.



# Site 4 – Sign Concept

- ▶ When entering the town northbound on Rt15, the town sign will need to contend with the Railroad tracks and industrial buildings. Therefore, the ARB feels that a more prominent sign is needed here. We based our concept on the present Loudon county welcome sign located at Rt15 and Bull Run waterway.



# Site 5 – Sign Concept

- ▶ The ARB felt that Town owned properties should be included within this request, because a town branding is being formed. As the welcome sign design becomes final, a town owned property sign will be designed to match the theme and placed at each building site, identifying the buildings.



# Site 6 – Sign Concept

- ▶ Since the westbound entrance of Rt55 is primarily a residential entrance, the ARB prefers to keep the details of the sign presently in place. However, we feel it is subtly hidden and feel another one should be added to the other side of the street as well. This will allow the signs to stand out a little more. Plus, a “Leaving Haymarket, come again” message can be added to the town facing side of the signs, to add to the theme. Presently, the existing sign is down and in storage. We recommend replacing it as well as adding the new addition.



# Next Steps Needed from Council

- ▶ The next steps for council to consider:
  - Approval to continue with the Project (including scheduling and funding discussions)
  - Acceptance of the recommended sign locations
  - Acceptance of the sign concepts
  - Acceptance of the sign Designs
  - Approval to build, install, and acceptance to maintain signs.



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TO: Town of Haymarket Town Council  
SUBJECT: Planning Commission Appointment  
DATE: 12/03/12

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The Planning Commission currently has one vacancy. At this time, the Town has received interest from Christopher Johnson, resident of Villages of Haymarket. I have also received an expressed interest from Mr. Chad Dinan. His email is forthcoming.

**ATTACHMENTS:**

- Dinan Interest in PC 12-2012 (PDF)
- Johnson Interest in PC 12-2012 (PDF)

**From:** [Chad](#)  
**To:** [Jennifer Preli](#)  
**Subject:** Re: Fwd: Planning Commission Vacancy  
**Date:** Thursday, November 22, 2012 11:27:29 AM

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Jennifer,

I'm definitely interested. What do we need to do to move forward?

Regards,

Chad

----- Original Message -----

**Subject:** Planning Commission Vacancy

**Date:** Tue, 20 Nov 2012 15:01:01 -0500

**From:** Jennifer Preli <[jpreli@townofhaymarket.org](mailto:jpreli@townofhaymarket.org)>

**To:** <[4dragonflies@comcast.net](mailto:4dragonflies@comcast.net)>

Good Afternoon Mr. Dinan:

We have a new vacancy on the Planning Commission and I wanted to check with you and see if you are still interested in serving on the Commission?

*Jennifer Preli, Town Clerk*

*PO Box 1230*

*Haymarket, Virginia 20168*

*703-753-2600*

*703-753-2800 Fax*



**From:** [Robert Weir](#) on behalf of [Robert B. Weir](#)  
**To:** [Jennifer Preli](#)  
**Cc:** [codyandkimmymom@aol.com](mailto:codyandkimmymom@aol.com)  
**Subject:** Fw: PC opportunity  
**Date:** Tuesday, November 20, 2012 1:26:26 PM

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----- Original Message -----

From: "Chris Johnson" <[christopherallenjohnson@yahoo.com](mailto:christopherallenjohnson@yahoo.com)>  
To: "Robert B. Weir" <[rbw@trademarkinfo.com](mailto:rbw@trademarkinfo.com)>  
Sent: Tuesday, November 20, 2012 12:45 PM  
Subject: PC opportunity

Bob,

Please accept this email as a formal communication of my interest in joining the Town of Haymarket Planning Commission/Committee. I have been a resident of the Town since February of 2003. I have a good understanding of certain zoning requirements and feel I can make a contribution to the town and committee. Please let me know if you need anything further.

Kindest,

Christopher Johnson=

Attachment: Johnson Interest in PC 12-2012 (1228 : Planning Commission Appointment)





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TO: Town of Haymarket Town Council  
SUBJECT: Consideration of an Ordinance to Amend Section 30-8  
DATE: 12/03/12

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In the 2011 Session of the Virginia General Assembly, Section 15.2-915.4 was amended. The Town of Haymarket is updated Section 30-8 so that there is no conflict between Town and State law. Please see the attached Ordinance for your consideration.

**ATTACHMENTS:**

- Section 30-8 Discharging firearms pneumatic guns slingshots grit shooters bows and arrows (PDF)

**ORDINANCE #O-2012~~1203~~**

Enacted \_\_\_\_\_  
Effective \_\_\_\_\_

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, TOWN OF HAYMARKET, VIRGINIA (2004), AS AMENDED, BY AMENDING SECTION 30-8, RELATING GENERALLY TO DISCHARGING FIREARM OR PNEUMATIC GUNS.**

BE IT ORDAINED by the Council for the Town of Haymarket, Virginia, meeting in \_\_\_\_\_ session this \_\_\_\_\_ day of \_\_\_\_\_, 2012:

- 1. That Section 30-8 of the Code of Ordinances, Town of Haymarket (2004), as amended, is amended, as follows:

**Sec. 30-8** – Discharging firearms, ~~or air rifle~~ pneumatic guns, slingshots, grit shooters, bows and arrows, etc..

(a) If any person shall willfully discharge or cause to be discharged any firearm ~~or air rifle~~ in the town, he shall be guilty of a class 1 misdemeanor. This section shall not apply to any law enforcement officer in the performance of his official duties nor to any other person whose willful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law. The term “firearm” means any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material; or the frame or receiver of any such weapon.

(b) No person shall discharge or use in the town any non-explosive weapon defined as a pneumatic gun (e.g. paintball gun, BB gun, pellet gun, etc.), slingshot, grit shooter, bow and arrow, or any other non-explosive device designed or intended to be used to launch or shoot projectiles, where such discharge or use is likely to do or cause injury to any person or property. Notwithstanding anything to the contrary, the use of non-explosive weapons shall not be prohibited at facilities approved for shooting ranges, on other property where firearms may be lawfully discharged, or on or within private property with permission of the owner or legal possessor thereof when conducted with reasonable care to prevent a projectile from crossing the bounds of the property.

**ORDER OF THE COUNCIL**

\_\_\_\_\_  
David Leake, Mayor  
On Behalf of the Town Council of  
Haymarket, Virginia

Attachment: Section 30-8 Discharging firearms pneumatic guns slingshots grit shooters bows and arrows (1218 : Consideration of an

**ATTEST:**

\_\_\_\_\_  
Jennifer Preli, Town Clerk

**MOTION:**

**SECOND:**

**RE:**

**ACTION:**

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**Date:** \_\_\_\_\_

**Regular Meeting**

**Ord. No.** \_\_\_\_\_

**CERTIFIED COPY** \_\_\_\_\_  
**Jennifer Preli, Town Clerk**

Attachment: Section 30-8 Discharging firearms pneumatic guns slingshots grit shooters bows and arrows (1218 : Consideration of an



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TO: Town of Haymarket Town Council  
SUBJECT: Town Center Property - Appropriations  
DATE: 12/03/12

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#### Lease of vacant space - Town Hall Second Floor

Xcellent Technology Solutions, Inc., one of the second floor tenants, wants to expand their space to include the vacant space previously occupied by Jessica Clay. XTS has requested a build-out to include a new door connecting the two offices and the division of one of the larger offices into two offices. One quote, in the amount of \$3,275.00 has been received. Two additional quotes have been requested. The attached spread sheet provides the impact of the proposed expansion. We are negotiating with XTS regarding the lease amount and payment for the cost of the build-out and will have a report for Council at the meeting.

#### Lease of School Building

The Town has received a Letter of Intent to lease the school building from the White Oak School. Representatives from the White Oak School will attend the Council meeting.

A meeting was held this week with another potential tenant for the school building. That group will provide a Letter of Intent prior to the Council meeting.

It is requested that the Town Council discuss the possible lease of the school building in closed session.

#### Recommendation

It is recommended that the Town Council approve the transfer of \$3,500.00 from General Reserves to the Town Center Property line item.

It is further recommended that the Town Council appropriate the following amount from the Town Center Property line item: Build-out of tenant space on the second floor of Town Hall: \$3,500.00

#### ATTACHMENTS:

- New Lease Revenue Projection (PDF)

Xcellent Technology Solutions Lease

	Current Sq. Footage	Current Rent	Annual Rental Income	New Square Footage	New Rent	New annual rental income	New Monthly Income
Xcel Tech	608	\$28.66/Sq. Ft.	\$17,423.88	1183	\$23/Sq. Ft.	\$27,209.00	\$2,267.42
Former Attorney Office	575	\$0.00	\$0.00				

All upstairs space is leased at \$23.00/Sq. Ft.

Xcellent has agreed to a five-year lease

Income from the total space increases by \$9,785.12 during the first year

Town is obtaining quotes for the required build-out estimated to be approximately \$3,500.00

New insurance requirements are included in the lease and agreed to by Xcellent

Attachment: New Lease Revenue Projection (1223 : Town Center Property - Appropriations)




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TO: Town of Haymarket Town Council  
 SUBJECT: Alexandra's Keep Proffer Funds  
 DATE: 12/03/12

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The Town Council has been asked to consider potential uses for the Alexandra's Keep Proffer funds that have been received. The following are the categories and remaining funds. All five public schools that Town students attend have been contacted by the staff. One school, Tyler Elementary has responded in writing, please see their request attached:

Designated purpose	Amount per lot	Total per designated purpose
<b>Parks, Recreation, Public Works</b> <i>"To be used for parks, recreation facilities, sidewalks, streetscape, and other public improvements within the Town"</i>	\$4,500.00	\$54,000.00
<b>Schools</b> <i>"To be used for the improvement of public schools serving the Town residents. The Town Council, at its sole discretion, may forward all or a portion of this contribution to the Prince William County School Board or to a specific local school PTA"</i>	\$8,435.00	\$101,220.00

**ATTACHMENTS:**

- Tyler PTO Proposal (PDF)
- Buckland Mills PTO Proposal (PDF)
- Bull Run Middle PTO Proposal (PDF)

From: [Paula King](#)  
 To: [Jennifer Preli](#)  
 Subject: Tyler PTO Proposal  
 Date: Wednesday, November 28, 2012 2:19:05 PM

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### *Tyler Elementary PTO Computer Lab Proposal*

The Tyler PTO's mission is to support a community of life-long learners while embracing innovation. To encourage and support a collaborative and authentic learning environment within a diverse community. To encourage students to participate in extracurricular activities including STEM (Science, Technology, Engineering and Mathematics) enrichment.

We serve a racially and ethnically diverse population including approximately 20% economically disadvantaged students. The STEM program is a partnership between Tyler ES and Bull Run Middle School. Our goal is to encourage middle school students to serve as math and science mentors to elementary students. Many of the middle school mentors are alumni of Tyler. The STEM program has given them a unique opportunity to share their passion for math and science while learning the importance of giving back to their community. The mentors went through an application process, received teacher recommendations and completed mentor training.

Our elementary school is 44 years old and has lots of history. However, due to its age, we have lots of challenges as well. Two of the most significant challenges are the lack of indoor recreational space and lack of updated technology. We have one gym that serves as our cafeteria, auditorium as well as our SACC (School Age Child Care) program; consequently, the PE teacher cannot offer any after school recreational programs and the PE classes are doubled to accommodate all of the classes and remain in compliance with Virginia State standards.

Due to the restraints on our gym space, our after school opportunities have focused on academic enrichment with a focus on technology. The computers in our computer lab are from 2003. Unfortunately, due to their age, the computers cannot run the programs that are necessary in 2012. The technology instructor has difficulty running basic programs such as Word and PowerPoint. Many of the programs take a long time to launch, hesitate or freeze due to the age of the computers. As a temporary fix, the PTO bought 512MB of RAM this school year and we were told this was a Band-Aid approach and the computer lab needs to be replaced. Unfortunately, due to budget constraints within the Prince William County School system, this is not possible within the school's budget and the PTO has been tasked with replacing the computers at a cost of **\$21,732 (31 complete desktop workstations)**.

The PTO has made it our mission to replace the computer lab, because it impacts the students on a daily basis. Students learn technology skills in the computer lab and take SOL (Standards of Learning) tests on the computers. The situation in our computer lab is at a crisis level. Our STEM program is missing the critical "T" for technology. We have embedded the use of technology as much as possible through the purchase of an iPad and 2 convertible computers which were made possible by a Best Buy grant; however, the need remains for a new computer lab.

Our long term goals are to expose students to technology on a regular basis and provide

afterschool enrichment opportunities to students. All of our afterschool programs are free of charge to students. The STEM program is building future leaders as the middle school students practice community service, plan lessons and share their passion for science, technology, engineering and mathematics. The elementary students are also given an opportunity to serve as mentors after they complete the program. For example, a fifth grade student who would like to give back to the Tyler community, may serve as a mentor for the fourth grade. A fourth grade student has the opportunity to serve as a mentor for the third grade and so forth.

If Town of Haymarket provides funds for new computers, we would like to extend an invitation to the Haymarket Town Council to attend the ribbon cutting ceremony of our new computer lab.

As a side note, five of the six members of the Tyler PTO are Town of Haymarket residents residing in Greenhill Crossing.

Respectfully Submitted,  
Paula King  
Tyler PTO Co-President  
Town of Haymarket Resident



November 29, 2012

To Whom It May Concern,

There is an old African proverb that continues to inspire us as a community: "If you want to travel faster, go alone - but if you want to travel farther, go together." At Buckland Mills Elementary School we firmly believe with community support we can help students to reach new learning heights, going 'farther' because of our partnerships with families and business partners. Without the generosity of our community partners like you, we would just be a great school with big ideas. Your generosity will help us to make our big ideas a reality for the benefit of children.

Buckland Mills Elementary School, has over 1,076 students and continues to grow. We recognized the need to increase the opportunities for our students to increase aerobic activity with additional playground structures in 2010-2011. With diligent fund raising efforts we were able to establish the first phase of the playground in spring of 2012. We are proposing that the proffered funds support our community effort to install the remaining two phases of our playground. The completed playground will fully support the needs of our students in building healthier bodies and clear mindedness. The playground will continue to be enjoyed by our students and our neighborhoods for years to come.

The playground structure images and estimates are attached.

Thank you for supporting our growth.

Sincerely,



Annie Jenks, PTO President



Lisa Bennett, PTO Vice President



Charlotte, NC 28224  
800.438.2780  
704.525.7356 FAX

#80797

11/20/2012

### Buckland Mills Elementary (phase 1) Updated Pricing

Prince William County Public Schools  
Attn: Melissa Vilar  
10511 Wharfdale Place  
Gainesville, VA 20155  
Phone: 703-659-7516  
thevilars@yahoo.com

Ship To Zip: 20155

Quantity	Part #	Description	Unit Price	Amount
1	RDU	GameTime - Modular Rock Climber w/ Lightning Link (per drawings)	\$4,415.88	\$4,415.88
1	8533	GameTime - Single Tower Challenge	\$8,200.08	\$8,200.08
1	6143	GameTime - Whirlwind Seat Straight (F/S)	\$447.72	\$447.72
1	178749	GameTime - Owner's Kit	\$47.00	\$47.00
1	INSTALL	MISC - Installation of above equipment	\$5,190.00	\$5,190.00
102	GTEWF	GT-Impax - Engineered Wood Fiber, per CY	\$27.95	\$2,850.90
1	161290	GameTime - Geo-Textile 2250 Sq Ft Roll	\$447.72	\$447.72
2	161294	GameTime - Terraflow Drain 150' Roll	\$295.20	\$590.40
102	INSTALL	MISC - Installation of EWF, Terra Flow and Felt	\$12.00	\$1,224.00
1736	INSTALL	MISC - Per Ft <sup>2</sup> Push-aside existing surfacing, dispose of TerraFlow drain, felt & any decayed surfacing <i>- Existing re-useable surfacing to be replaced into area after equipment installation.</i> <b>CHECK WITH ORDER DISCOUNT OPTION:</b> <i>- *Please deduct \$423.05 from total if check for payment in full is presented at time of purchase.</i>	\$1.20	\$2,083.20

Site must be clear, level, free of obstructions and accessible. Total cooperative purchasing contract (USC) discount reflected in above quote is \$2,716.20 **Pricing valid through Dec 5, 2012. Orders placed after that date will receive 2013 pricing.**  
Contract: USC

SubTotal: \$25,496.90  
Freight: \$1,620.94  
**Total Amount: \$27,117.84**



Charlotte, NC 28224  
800.438.2780  
704.525.7356 FAX

QUOTE  
#80798

11/20/2012

### Buckland Mills Elementary (Phase 3) - Updated Pricing

Prince William County Public Schools  
Attn: Melissa Vilar  
10511 Wharfdale Place  
Gainesville, VA 20155  
Phone: 703-659-7516  
thevilars@yahoo.com

Ship To Zip: 20155

Quantity	Part #	Description	Unit Price	Amount
1	6214	GameTime - Rebound	\$961.80	\$961.80
1	6219	GameTime - See Saw	\$1,147.44	\$1,147.44
1	12583	GameTime - Primetime Swing Frame, 3 1/2" Od	\$933.24	\$933.24
2	12584	GameTime - Primetime Swing Add-A-Bay, 3 1/2" Od	\$579.60	\$1,159.20
6	161292	GameTime - Wear Mat 44"X48"	\$139.40	\$836.40
6	SS8910	GameTime - Belt Seat 3 1/2" /8' w/Clevis	\$205.80	\$1,234.80
1	178749	GameTime - Owner's Kit	\$47.00	\$47.00
1	INSTALL	MISC - Installation of Above Equipment	\$2,627.00	\$2,627.00
29	GTEWF	GT-Impax - Engineered Wood Fiber, per CY	\$35.90	\$1,041.10
2	161294	GameTime - Terraflow Drain 150' Roll	\$295.20	\$590.40
1	161290	GameTime - Geo-Textile 2250 Sq Ft Roll	\$447.72	\$447.72
29	INSTALL	MISC - Installation of Above EWF, Terra Flow and Felt	\$12.00	\$348.00
2050	INSTALL	MISC - Per Ft2 Excavation, approx 6" and use soil to berm around area	\$0.44	\$902.00
20	INSTALL	MISC - Per LF Supply & Install Drain to Daylight	\$9.64	\$192.80

CHECK WITH ORDER DISCOUNT  
OPTION:

- *\*Please deduct \$219.33 from total if check for payment in full is presented at time of purchase.*

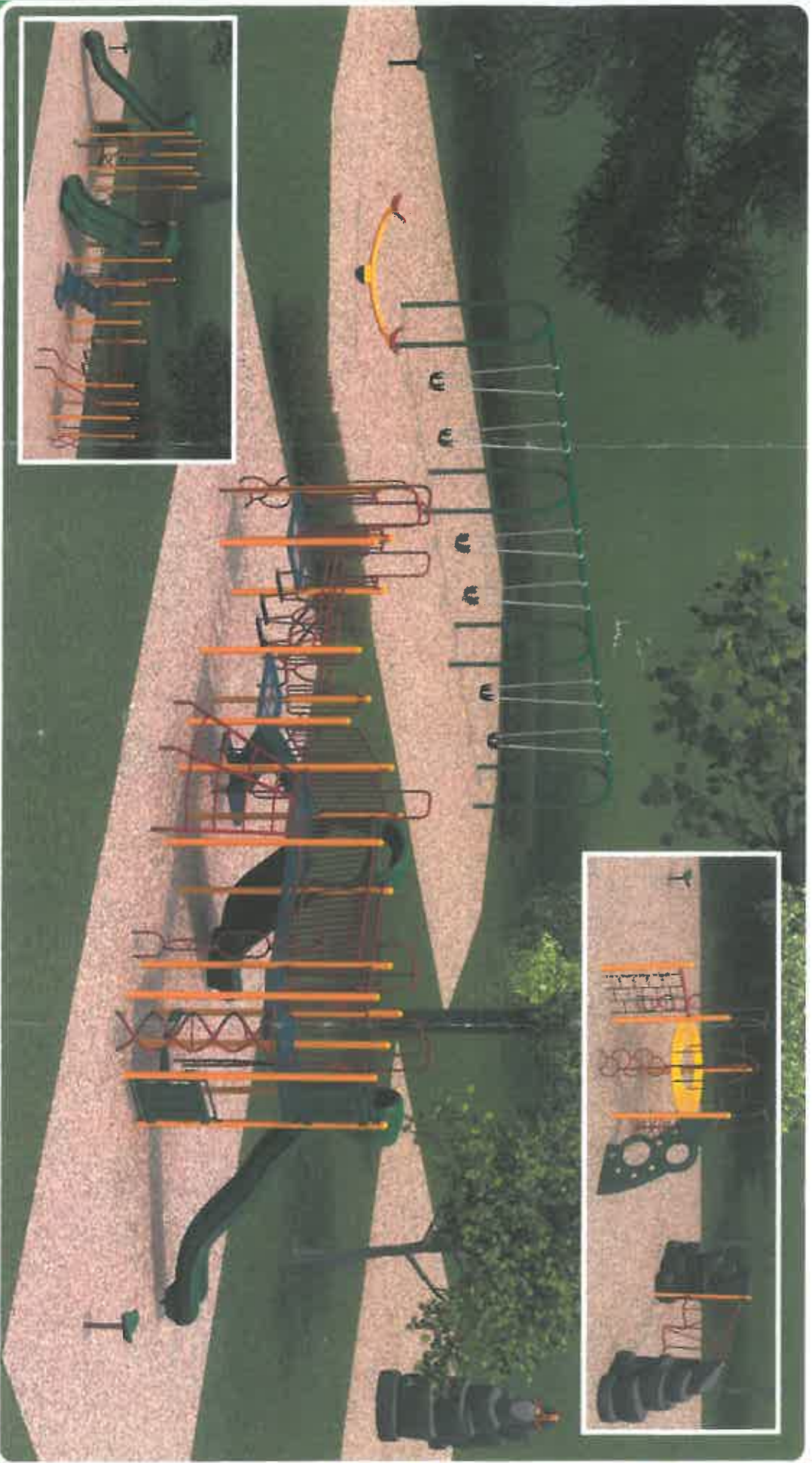
Site must be clear, level, free of obstructions and accessible. Total cooperative purchasing contract (USC) discount reflected in above quote is \$1,447.00. **Price valid through Dec 5, 2012. All orders placed after that date will receive 2013 pricing.**  
Contract: USC

SubTotal: \$12,468.90  
Freight: \$955.86  
**Total Amount: \$13,424.76**



# Buckland Mills Elementary Gainesville, VA

Design • Build • PLAY!



www.cunninghamre.com

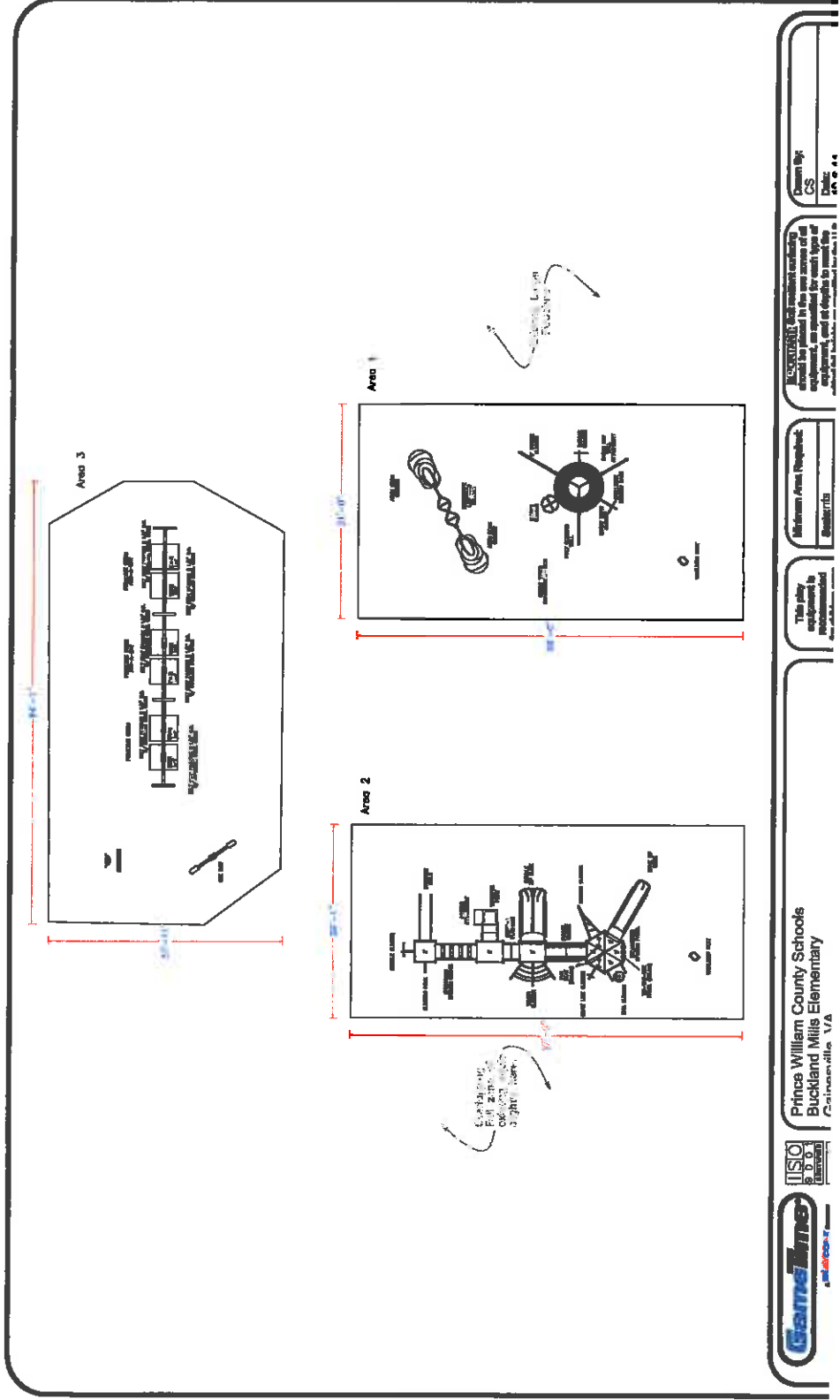
800.438.2780

From: Michael Jenks <majenks@comcast.net>  
Subject: playground  
Date: November 29, 2012 2:07:20 PM EST  
To: annie.jenks@comcast.net



1 Attachment, 542 KB

Attachment: Buckland Mills PTO Proposal (1225 : Alexandra's Keep Proffer Funds)





GameTime c/o Cunningham Recreation  
 PO Box 240981  
 Charlotte, NC 28224  
 800.438.2780  
 704.525.7356 FAX

QUOTE  
 #72927

10/07/2011

### Buckland Mills Elementary

Prince William County Public Schools  
 Attn: Melissa Vilar  
 10511 Wharfdale Place  
 Gainesville, VA 20155  
 thevilars@yahoo.com

Ship To Zip: 20155

Quantity	Part #	Description	Unit Price	Amount
		AREA 1 (nearest existing large play structure)		
1	RDU	GameTime - Modular Rock Climber w/ Lightning Link (per drawings)	\$4,337.76	\$4,337.76
1	8533	GameTime - Single Tower Challenge	\$8,054.76	\$8,054.76
1	6143	GameTime - Whirlwind Seat Straight (F/S)	\$440.16	\$440.16
1736	INSTALL	MISC - Per Ft2 Push-aside existing surfacing, dispose of TerraFlow drain, felt & any decayed surfacing <i>- Existing re-useable surfacing to be replaced into area after equipment installation.</i>	\$1.20	\$2,083.20
		AREA 2 (nearest existing fitness structure)		
1	RDU	GameTime - PrimeTime Modular Unit (per drawings)	\$20,988.16	\$20,988.16
1	6143	GameTime - Whirlwind Seat Straight (F/S)	\$440.16	\$440.16
1600	INSTALL	MISC - Per Ft2 Push-aside existing surfacing, dispose of TerraFlow drain, felt & any decayed surfacing <i>- Existing re-useable surfacing to be replaced into area after equipment installation.</i>	\$1.20	\$1,920.00
		AREA 3 (immediately behind area 2, in grassy area)		
1	6214	GameTime - Rebounce	\$945.00	\$945.00
1	6219	GameTime - See Saw	\$1,104.60	\$1,104.60
1	12583	GameTime - Primetime Swing Frame, 3 1/2" Od	\$916.44	\$916.44
2	12584	GameTime - Primetime Swing Add-A-Bay, 3 1/2" Od	\$569.52	\$1,139.04
6	161292	GameTime - Wear Mat 44"X48"	\$136.94	\$821.64
6	SS8910	GameTime - Belt Seat 3 1/2" /8' w/Clevis	\$202.44	\$1,214.64
2050	INSTALL	MISC - Per Ft2 Excavation, approx 6" and use soil to berm around area	\$0.44	\$902.00
20	INSTALL	MISC - Per LF Supply & Install Drain to Daylight	\$9.64	\$192.80

7.B.2

Attachment: Buckland Mills PTO Proposal (1225 : Alexandra's Keep Proffer Funds)

GameTime c/o Cunningham Recreation  
 PO Box 240981  
 Charlotte, NC 28224  
 800.438.2780  
 704.525.7356 FAX

QUOTE  
 #72927

10/07/2011

Packet Pg. 71

### Buckland Mills Elementary

Quantity	Part #	Description	Unit Price	Amount
		- ALL AREAS		
1	178749	GameTime - Owner's Kit	\$46.00	\$46.00
1	INSTALL	MISC - Installation of Above Equipment	\$14,210.00	\$14,210.00
157	GTEWF	GT-Impax - Engineered Wood Fiber, per CY - Area 1 = 1736 Ft2 @ 4" Depth, Area 2 = 1600 Ft2 @ 4" Depth, Area 3 = 2050 Ft2 @.12" Depth	\$24.90	\$3,909.30
6	161294	GameTime - Terraflow Drain 150' Roll	\$290.28	\$1,741.68
2	161290	GameTime - Geo-Textile 2250 Sq Ft Roll	\$424.76	\$849.52
1	161291	GameTime - Geo-Textile 1125 Sq Ft Roll	\$219.76	\$219.76
157	INSTALL	MISC - Installation of Above EWF, Terra Flow and Felt	\$12.00	\$1,884.00

Site must be clear, level, free of obstructions and accessible. Total cooperative purchasing contract (USC) discount reflected in above quote is \$10,966.68.  
 Contract: USC

SubTotal: \$68,360.62  
 Freight: \$2,150.00  
**Total Amount: \$70,510.62**

Pricing: Prices are firm for 30 days unless otherwise noted. Above costs assume one shipment and one installation unless otherwise noted. Taxes will be shown as a separate line item if included.

Shipment: Standard orders shipped 4 weeks after receipt of order and acceptance of your purchase order, color selections, approved submittals, (if required) unless otherwise noted. Custom equipment and shades may require a longer lead time. It is the responsibility of the owner to offload and inventory equipment, unless other arrangements have been made. Missing or damaged equipment must be reported within 60 days of acceptance of delivery

Payment Terms: Net 30 days subject to approval by Credit Manager. A signed P.O. made out to Gametime C/O Cunningham Associates, Inc. or this signed quotation is required for all orders unless otherwise noted.

Acceptance of this proposal indicates your agreement to the terms and condition stated herein.

Site should be level and allow for unrestricted access of trucks and machinery. Customer shall be responsible for unknown conditions such as buried utilities (public & private), tree stumps, rock, or any concealed materials or conditions that may result in additional labor or materials cost. Customer will be billed hourly or per job for any additional costs.

Page 2 of 3

Dear Mayor Leake and the honorable members of the Haymarket Town Council:

The Bull Run Middle School PTSO aims to support both the school's vision of "Soaring to Excellence-- Every Student Learning at High Levels Every Day" and the school's mission that "every student read, write, speak and think at high levels across the curriculum so they will be prepared for the next level." We have been very fortunate in that, due to the efforts of our Parents, our Teachers, our Staff, and most importantly, our Students, Bull Run has been designated a School of Excellence for the 2012-2013 school year. While the factors used to determine this achievement are based on 2011-2012 data, we at Bull Run are committed to continuing our high standards.

Our students represent thirty (30) different nations, making the ESOL curriculum vital to Bull Run's continued success. In addition, while our population may have decreased by a third, our percentage of disadvantaged students has doubled. At the same time, we have witnessed an increase in our gifted students.

Our challenge, as the PTSO, is how do we support, at a minimum, the majority of our students with such a wide variety of needs, with the ultimate goal of touching every child and ensuring that, when a Bull Run student goes to Battlefield, a firm foundation has been laid?

The answers lie in 1)providing support for all students struggling academically, 2)providing academic options for all students needing more challenging assignments, and 3)embracing those students in between. Our school has an extensive, comprehensive plan in place; but, the PTSO has chosen to focus on two points that reach the majority of our students and continue our high standards.

The first point is the expansion of the tutoring program. Our existing intervention program has been successful but, as the need has increased, the need to expand has increased. Mr. Phythian, our principal, stands ready with a program more specialized and fine-tuned than before. A donation from the PTSO in the amount of \$10,000 would provide much-needed supplies for the students and the teachers volunteering their time after school.

The second point is to stay on the cutting edge technologically. A donation from the PTSO in the amount of \$12,598 would cover the cost of the iPad Learning Lab with twenty iPads. The integration of the iPad in today's curricula brings the lab to the student. With the appropriate applications, the iPad brings the average lesson into the 21st century and takes active engagement to another level. We have to think globally.

An indication of the critical nature of these two points is evident in a snapshot of our First Quarter Benchmark Assessment. Our Sixth Grade overall percentages exceed 63 % but our Sixth Grade ESOL percentages are 13 %, 10%, and 0% in History, Reading, and Science, respectively. All of these subjects can be enhanced with the use of the iPad. In addition, students will benefit from the additional academic support.

Due to Prince William County School System's budgetary constraints, these points can not be fully addressed within the school's budget. Unfortunately, our PTSO is feeling the pangs of the economic downturn and cannot currently support these two vital points.

We, the PTSO of Bull Run Middle School, respectfully submit this request for consideration by the council.

Respectfully,  
Melba Williams  
PTSO President





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TO: Town of Haymarket Town Council  
SUBJECT: Streetscape Appropriations  
DATE: 12/03/12

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Approval of payment of the attached September and October invoices from Robert Dively is requested. The invoices include work on the final settlements with four of the Streetscape property owners.

The total invoice amount is \$6,334.50 for the following properties:

Parcels 12 and 14, Haymarket Baptist Church

Parcel 3, Cohen-Pardo

Parcel 17, Leonard

Parcel 11, Watts

The total paid to date for legal services related to condemnation cases is \$55,109.80. The schedule of payments, by invoice, is attached.

The Council has appropriated a total of \$62,500.00 since the beginning of the project. The current invoices can be paid within the total appropriation leaving a balance of \$1,055.00. Invoices for November and December will be presented at the January meeting.

#### RECOMMENDATION

It is recommended that the Town Council approve payment of the invoices in the amount of \$6,334.50. It is further recommended that the Council note that the balance remaining from appropriations for this project is \$1,055.00 and that the invoices for November and December will exceed that amount and require an additional appropriation. These expenses do not qualify for reimbursement from Federal grant money.

#### ATTACHMENTS:

- Dively Appropriations & Expenses 11-30-2012 (PDF)

Robert Dively  
Expenses and  
Appropriations

Type	Date	Memo	Amount
Bill Pmt -Che	04/08/2011	Inv. # DH100	-\$6,030.50
Bill Pmt -Che	04/15/2011	Inv. # DH101	-\$6,068.00
			<u>-\$12,098.50</u>
Bill Pmt -Che	05/20/2011	Inv. # DH102	-\$5,212.10
Bill Pmt -Che	06/03/2011	Inv. # DH103	-\$1,250.50
Bill Pmt -Che	07/08/2011	Inv. # DH104	-\$1,360.50
Bill Pmt -Che	10/07/2011	105/106/107	-\$3,925.70
Bill Pmt -Che	12/29/2011	DH108/109	-\$5,043.00
Bill Pmt -Che	12/30/2011	Institution of Eminent Domain/Condemnation Cases/	-\$1,373.50
			<u>-\$6,416.50</u>
Bill Pmt -Che	03/09/2012	DH111	-\$4,305.00
Bill Pmt -Che	06/15/2012	DH113/114/115	-\$4,817.50
Bill Pmt -Che	08/24/2012	Inv. # DH117	-\$4,571.50
Bill Pmt -Che	09/21/2012	Inv. # DH116	-\$6,560.00
Bill Pmt -Che	09/28/2012	Inv. # DH118	-\$4,592.00
		<b>Total</b>	<b>-\$55,109.80</b>
		<b>Appropriations</b>	
	Jan-11		\$2,500.00
	Apr-11		\$25,000.00
	Dec-11		\$10,000.00
	Apr-12		\$10,000.00
	Jul-12		\$15,000.00
		<b>Total</b>	<b>\$62,500.00</b>

Attachment: Dively Appropriations & Expenses 11-30-2012 (1226 : Streetscape Appropriations)



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TO: Town of Haymarket Town Council

SUBJECT: Museum Report

DATE: 12/03/12

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Ms. Jacinto was unable to provide a report to the Town Council this month, she has asked that she be able to provide the 2013 Plan at the January meeting.



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TO: Town of Haymarket Town Council

SUBJECT: Police Report

DATE: 12/03/12

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**ATTACHMENTS:**

- 12-2012 Police Report (PDF)

## Town Police Statistics for August, September & October 2012

Activity	August	September	October	Total
Mileage	3599	4886	5513	13998
Warning Tickets	43	32	25	100
Parking Tickets	4	32	4	40
Uniform Traffic Summons	91	167	96	354
Criminal Felony	1	0	9	10
Criminal Misdemeanor	8	15	5	28
Reports	23	16	28	67
Complaints	431	403	300	1134
Accidents	0	1	5	6
Hours Worked	901.5	1176	879	2953.5

The Haymarket Police Department participated in the following during the month of October:

Officers provided traffic control for the Oktoberfest Celebration on 10/20/12.

Officer O'Neal spent time with the students of St. Paul School on October 27, 2012 for their fall celebration.

Officers were called in to work continuously throughout the super storm that came through during the end of October to clear roads of debris and to assist where needed. They spent numerous hours out in the rain and wind cutting fallen trees from the roadways and working crashes and assisting the county.

Officer handed out candy to all the trick or treaters on Halloween night.

### Criminal Stats for October 2012 Haymarket Police Department

1. Loud Party = 3
2. Fraud = 1
3. Alarm calls = 4
4. Traffic Obstruction = 7 (Trees)
5. Suspicious Person = 2
6. Vehicle Crash = 3
7. Assist PWC = 2
8. Assist VSP = 5
9. Drugs = 1
10. Larceny = 1
11. Chase = 1
12. Animal call = 1
13. Disorderly = 1
14. Warrant Service = 1
15. Vandalism = 1
16. Suspicious Vehicle = 3
17. DIP = 1



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TO: Town of Haymarket Town Council

SUBJECT: Building Official's Report

DATE: 12/03/12

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**ATTACHMENTS:**

- 12-2012 Building Official's Report (PDF)

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**INTEROFFICE MEMORANDUM**

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**TO:** GENE SWEARINGEN, TOWN MANAGER  
**FROM:** JAMES LOWERY, BLDG/FIRE OFFICIAL JRL  
**SUBJECT:** UPDATE ON PROJECTS  
**DATE:** 11/19/12  
**CC:** JENNIFER PRELI, TOWN CLERK

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1. Continuing inspections in Sherwood Forest
2. Met with PWC Service Authority on 11/17/12 onsite of water line break on Little John Ct. in Greenhill Crossing. They are proceeding with repairs, but indicated all affected properties would have water service restored on 11/17/12.
3. Met with Town Manager regarding storm sewer along Jefferson St. and responded to his concerns regarding sinking sidewalk in front of Red House.
4. Reviewing plans on McDonald's renovations as well as new Drees Home single family on Jordan Lane, but cannot approve until PC has signed off.
5. Inspected Upscale Resale on Madison Street for occupancy. Occupancy is approved pending installation of handicap ramp in front of store.



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TO: Town of Haymarket Town Council  
SUBJECT: Town Manager's Report  
DATE: 12/03/12

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#### Old Post Office Renovation

Bids for the remainder of the work are being confirmed and/or updated. All numbers should be updated in time for the Council meeting.

#### Status of conversion to new Accounting Software

The Asyst accounting system is operational; however we are still processing in Quickbooks for reporting purposes. Unfortunately, we have had a very difficult time getting our consultant, Mary Earhart, scheduled this fall to review our data entry, she has been out one time, but will need her out again in December to review. At this time we are still entering historical data back to July 1. We will be live in the payroll module for the first payroll in January. We do not anticipate being able to report in the new accounting system until the February 2013 meeting.

#### Streetscape

Staff has evaluated the Construction bids and will present the findings and recommendations to the Council.

#### Washington Street Striping

The striping is now complete.

#### The Pedestrian Improvements Project (Connolly Money)

The Town received four proposals from Architectural/Engineering firms in response to the RFP advertised for this project. The review committee will meet prior to the Council meeting on December 3 and will present its recommendations.

#### I-66 Widening and Route 15/I-66 interchange projects.

VDOT is holding an update meeting on these projects on December 3. The Town Engineer will provide a report based on that meeting.





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TO: Town of Haymarket Town Council  
SUBJECT: Treasurer's Report  
DATE: 12/03/12

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Please see the Treasurer's Report attached.

**ATTACHMENTS:**

- 12-2012 Treasurers Report (PDF)

**Treasurers  
Report  
12-3-2012  
TC Mtg**

<b>EXPENDITURES</b>	ADOPTED FISCAL YEAR 2013 BUDGET	AMENDED BUDGET THRU OCTOBER 2012	2ND QUARTER APPROPRIATIONS	2nd Qtr ACTUALS THROUGH 11/30/2012	Actuals Year to date
Capital Improvements & Repair	1,465,864	TCP 161,536		61,518.58	\$152,185.27
Council & Boards	34,000			3,990.00	\$9,915.00
Events	7,500		1,875.00	2,307.49	\$2,785.56
Museum	6,765		1,715.71	170.00	\$816.90
Operating Expenses	268,459		77,820.80	16,112.49	\$71,548.18
Public Safety	125,716		24,448.50	16,302.71	\$43,525.85
Public Works	129,489		32,372.25	19,067.57	\$53,806.70
Staff Wages & Benefits	777,978		190,744.50	109,879.57	\$327,554.91
Town Owned Property	345,674		86,418.50	22,102.91	\$140,667.62
General Reserves		236,384		0.00	\$6,400.00
<b>TOTAL EXPENSE</b>	<b>3,161,445</b>	397,920	415,395.26	251,451.32	\$809,205.99
<b>REVENUE</b>					
Development	1,235,562			107,334.46	
Events/Other Town Activities	10,500			3,901.05	
Operating	1,491,469			484,098.70	
Public Safety	104,762			44,364.01	
Tax Income/Individuals	319,152			20,796.87	
Proffers		200,112		200,112.36	
Prior Years/Town Surplus		197,808			
<b>TOTAL REVENUE</b>	<b>3,161,445</b>	397,920		860,607.45	
				<b>Total Revenue</b>	
				<b>to date</b>	

Attachment: 12-2012 Treasurers Report (1222 : Treasurer's Report)