



# TOWN OF HAYMARKET TOWN COUNCIL

## REGULAR MEETING ~ AGENDA ~

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

15000 Washington St  
Haymarket, VA 20169

Tuesday, November 13, 2012

7:00 PM

Council Chambers

### **1. Call to Order Town Council**

#### **B. Call to Order Planning Commission**

### **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
2. Special Use Permit Application #SUP20121009 - Upscale Seconds
3. State HB ZTA's as submitted by Planning Commission.

### **4. Planning Commission Closes Public Hearing**

### **5. Citizen's Time**

### **6. Updates & Information**

- A. Stream Revitalization Angler Environmental
- B. Tree Dedication - Ed Milhous
- C. Museum Update

### **7. Agenda Items**

1. Special Use Permit - the Very Thing/For Her
2. Special Use Permit - Upscale Seconds
3. ZTA's
4. Board of Zoning Appeals Appointments
5. ARB Membership Expansion
6. Policy
7. Initiate ZTA
8. Temporary Occupancy Request

### **8. Department Reports**

- A. Police Report
- B. Building Official Report
- C. Treasurers Report
- D. Town Managers Report

### **9. Closed Session**

1. Attiva Corporation
2. Streetscape Settlement Agreement

### **10. 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

## 11. Adjournment



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TO: Town of Haymarket Town Council  
SUBJECT: Stream Revitalization - Angler Environmental  
DATE: 11/13/12

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**ATTACHMENTS:**

- Stream Revitalization (PDF)

# In Prince William, a stream flows free of taxpayer costs

BY JEREMY BORDEN

Down a footpath and into a clearing, a pristine stream reveals itself at Locust Shade Park in eastern Prince William County.

Large stones neatly line the sides, and sparse vegetation holds the banks together. Water ripples over gravel and downstream into the Potomac River, which feeds the Chesapeake Bay.

The scene near Quantico used to be, environmentally speaking, a mess. Erosion had resulted in 20-foot banks and winding turns, and little water was left in parts of the stream. Locust Shade stream sent 250 tons of sediment toward the Chesapeake every year.

But after an approximately \$2 million restoration project that began in November, the stream that Prince William officials unveiled Friday was tidy-looking and, in many ways, idyllic. The project comes as the first

tangible outcome of a public-private partnership between the county and Manassas-based Angler Environmental, a deal that is expected to result in \$10 million to \$12 million in restoration along 22 miles of streams in 10 county parks.

Where's the money coming from? Prince William officials are proud to say that Angler, not the county, is paying.

But this is no donation by Angler. Officials say the deal is one of the first of its kind — in Virginia and perhaps the nation — to restore streams and conserve public land while delivering a profit to a private company and the county.

"We're preserving and restoring streams . . . and conserving a lot of acres in perpetuity," said Marc Aveni, a county official who worked on the project. Angler is also conserving about 900 acres surrounding the streams. "All of

WATER CONTINUED ON C6

# Partnership yields restored stream at no cost to Pr. William taxpayers

WATER FROM C1

this at no cost to Prince William County taxpayers," Aveni said.

The county's partnership with Angler is cemented through what is called the Prince William Environmental Bank, which required years of federal and state vetting.

The bank allows Angler to fund projects, and, in return, the county grants the company the right to the land and the restoration work.

The monetary payoff comes when Angler sells "credits" to developers — who can use them to satisfy state guidelines requiring that they make environmental improvements to offset any impact their projects have on wetlands.

In general, once Angler recoups its costs, it splits the rest 50/50 with the county.

The Locust Shade project is projected to eventually net the county and Angler \$800,000 each.

Throughout the course of the stream restoration projects countywide, Angler and the county expect to garner about \$3.5 million each.

Don Seaborn, a partner at Angler, said it makes sense for developers to turn to experts for the environmental work. "Before mitigation banks came along, [developers would] be required

to do their own projects," Seaborn said. "A developer doesn't want to hear . . . 'Hey, that's not working' [from regulators]."

While mitigation banks are relatively new, it's the public lands part of the transaction that officials say may be unique to Prince William.

*"The parks didn't have the budget to do these repairs."*

Debbie Andrew, Prince William County parks department official

The way the banks usually work is they strike a deal with a private landowner to conserve and restore streams or wetlands and then sell the credits to developers. In Northern Virginia, construction is plentiful, but large swaths of land are hard to come by. Seaborn said Angler thought about where there are streams and wetlands that needed restoration and land that needed conservation.

The answer: public parks.

"The parks didn't have the budget to do these repairs," said Debbie Andrew, a county parks department official.

Across the country, lean times are pushing local and state governments to look to similar partnerships: private-sector solutions for what used to be government-funded priorities. The new I-95 high-occupancy toll lanes, for example, feature significant private investment.

The Locust Shade project involved some of the more drastic work that is planned over the course of the partnership, officials said. Angler engineers and dirt movers restored about a mile of stream, rerouting the channel and raising the streambed. The huge banks from Locust Shade's past are about 15 feet from the new channel. On Friday, red flags in the shrubbery marked where the stream used to run.

There were some complaints about the project. Harry W. Wiggins, the chair of the Prince William County Democratic Committee, complained to the county that too many trees had been removed as Angler brought heavy equipment to the site.

Angler construction manager Michael Peny said that the company used an existing pathway but that 15 to 20 mature trees were removed so the equipment could pass.





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TO: Town of Haymarket Town Council

SUBJECT: Tree Dedication - Ed Milhous

DATE: 11/13/12

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Mr. Ed Milhous is proposing to plant a shade tree - black gum, white oak, or swamp white oak - in memory of Alan Gossom. Mr. Milhous had planted the sawtooth oak at the Museum in memory of Jimmy Gossom.

See the attached for location.

Mr. Milhous is seeking approval by the Council this evening.

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

**ATTACHMENTS:**

- Location (PDF)



new tree

Attachment: Location (1187 : Tree Dedication - Ed Milhouse)



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TO: Town of Haymarket Town Council

SUBJECT: Museum Update

DATE: 11/13/12

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FrannMarie Jacinto, Museum Director, reports on the attached update.

**ATTACHMENTS:**

- Nov 2012 Museum Report to the Haymarket Town Council (PDF)





## Report to the Haymarket Town Council on the Haymarket Museum

1 November 2012

It's a distinct pleasure to have been selected as director of the Haymarket Museum. It is my personal goal to bring the "Old Town Hall and School" forward, ethically and accountably, following museum standards and best practices; meeting the criterion for achieving full professional status as a Small Museum. Keeping true to Haymarket's history.

Long thought and attention to detail has been put towards these goals. Emphasis is placed on what the museum can (and should) be contributing to the community as a whole. Utmost, it must be remembered that this is a museum. It solely serves History. In that process it will preserve and present historical and relevant objects, provide informal educational opportunities, and, additionally, can assist the efforts of preservation and enhance the opportunities had through heritage tourism.

Success for the museum calls for a marked departure from static displays that center around a core period of history – as seen through one distinct viewpoint. I propose to return the museum to its first goal: serving as a center of education for children and teens. This will entail branding and publicity and community relations. It requires a visitor-friendly facility, accessible display cases presented in an accessible floor plan. It calls for new education programs that marry the historic and the modern, both on-site and via outreach -- telling a balanced and accurate story, with exhibitions presented in a manner that appeal to all ages and learning abilities/styles. Inclusive programs and private programs will welcome the hearing impaired, those with low vision, and those with differing learning styles (e.g. auditory learners, those with dyslexia, autism, etc.). All of that would lead to a re-opening in 2013 that celebrates the 130<sup>th</sup> anniversary of the schoolhouse.

For the Town to allow the museum to become a professionally respected center of history, education, and tourism I ask the members of the Council to envision it as such, and support it as a strong and productive entity that will eventually generate income. This is a large undertaking that can well be accomplished under a modest budget. The supplies required to properly catalog and store the photographs and objects presently housed will demand hundreds of dollars. Presently, based on the part time hours allotted, the museum is staffed the equivalent of three months a year. Not even a sufficient amount of time to build a volunteer program or valuable internships. This, too, requires evaluation.

Full advantage is currently being taken of free and low cost means of educational outreach, promotion, support and good will. There are additional venues slated to be tapped in the future.

1. QR codes were posted on social media, and the museum's front door, that load the address, phone number, web site and social media URLs automatically to any smart phone with a free QR code reader.
2. Ellie Ivancic established a Facebook account that now features a midweek message from the director.
3. The museum's Twitter account (@HaymarketMuseum) has reached a following of 217 in the two and a half months since it was established. Noted followers include reporters of WTOP, Brendon Hannafin (Chief, Prince William County Historic Preservation Division), the National Park Service, Montpelier, the Civil War Trust, numerous global tourism entities, genealogists, several Smithsonian educators, historians and the National Council for Public History. As well as *The American Civil War Experience*, a London based tourism and educational entity in partnership with the University of London – operated by historian Dr. Thomas Sebrell III, a Virginian and VMI graduate.
4. With an eye towards children's programs a second Twitter account was recently established, to be unveiled after go-ahead is received to pursue the proposed new direction for 2013. It would enable the creation of programs that mesh with the federal government's *Let's Move* initiative ([www.letsmove.gov](http://www.letsmove.gov)), and would also assist with income generation.
5. Most generously, the Gainesville-Times online edition has extended to me the unprecedented privilege of guaranteed blog space, to which I may contribute as frequently as I wish, by-passing editing, publishing in real time.

While we possess a web site it suffers from incomplete pages, and is truly in need of being recreated from the ground up. We must be mindful that the majority of tourism traffic would be steered towards Haymarket through a smart phone accessible site. Parents on the go could verify programs and event times. The present one does not have that capability. This is a marketshare that we cannot afford to ignore.

An extensive analysis is underway, with details ranging from upgrades and maintenance to the actions required to achieve museum status as granted by professional accrediting organizations. To be practical in these matters, it should first be asked what the Council desires from the museum, and how it wishes to commit itself in support of the museum's service to the Haymarket community.

FrannMarie Jacinto, Director  
Haymarket Museum



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TO: Town of Haymarket Town Council  
SUBJECT: Special Use Permit - the Very Thing/For Her  
DATE: 11/13/12

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Special Use Permit for a Consignment Shop.

**ATTACHMENTS:**

- For Agenda 11-13-2012 PH SUP20121005 The Very Thing-For Her (PDF)



## INTEROFFICE MEMORANDUM

**TO:** MAYOR AND TOWN COUNCIL, MEMBERS OF THE PLANNING COMMISSION

**FROM:** GENE SWEARINGEN

**SUBJECT:** **REQUEST FOR SPECIAL EXCEPTION USE (SECONDHAND RETAIL SALES)**  
**#SUP20121005, 15000 WASHINGTON STREET, SUITE #110 / 6630 JEFFERSON STREET**  
**THE VERY THING / THE VERY THING FOR HER**

**DATE:** 11-13-12

**CC:** STAFF

**A request for a special use permit (secondhand retail sales) at 15000 Washington Street, Suite #110 and 6630 Jefferson Street.**

## BACKGROUND / PROPOSAL

Doris Buck has submitted a special use permit application, #SUP20121005, to permit secondhand retail sales (consignment sales) at the above-mentioned locations. The Very Thing is currently operating at 15000 Washington Street (Town Hall Building). The special use permit application will validate the existing business. The Very Thing for Her will operate out of 6630 Washington Street (Hulfish House). Both properties are owned and managed by the Town. The subject properties are zoned B-1 and are designated Neighborhood / Town Center by the Town's Comprehensive Plan. Consignment stores are permitted as a special use in the B-1 district; "Sec. 58-178(5) Secondhand Retail Sales".

## DRAFT MOTION(S)

Planning Commission

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

OR,

2. I move an alternate motion

Town Council

- 1.a. I move 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;

AND

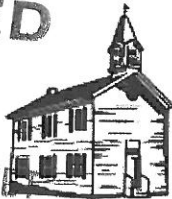
- 1.b. I further move that the SUP shall remain in effect for a period of one year, to renew automatically for additional periods of one year, BUT EXPRESSLY CONDITIONED UPON THE FOLLOWING: Council may require, upon a majority vote, after notice to the applicant, for the applicant (or present property 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.

OR,

2. I move an alternate motion.



RECEIVED  
OCT - 5 2012  
TOWN OF HAYMARKET



The Town of  
**HAYMARKET**  
Established in 1799

Date: October 5, 2012

<sup>SUP</sup>  
Case #: ZP20121005

Special Use Permit Application

Business Name: The Very thing.....for her / THE VERY THING Address: 6630 Jefferson Street, Haymarket, Virginia 20169

15000 Washington St., Suite 100 <sup>DB</sup> <sub>HO</sub>

Applicant's Information

Property Owner's Information

Name: Doris Buck  
Address: 15000 WASHINGTON Street, Suite 100  
City: Haymarket  
State/Zip: Virginia 20169  
Phone: 703-754-6550

Name: Town of Haymarket  
Address: PO Box 1230  
City: Haymarket  
State/Zip: Haymarket, Virginia 20169  
Phone: 703-753-2600

Type of Structure:  SFD  Multi  TH  COMMERCIAL Zoning District: B1 Code Section: 58-178(5)

Name of Business: The Very Thing.....for her / THE VERY THING  
Name of Business: \_\_\_\_\_

Number of employees working from site: 2 / 4  
Number of vehicles: 2 / 4 Type: \_\_\_\_\_ GVH: \_\_\_\_\_  
Number of parking spaces set aside for this activity: 4  
Total floor area of structure devoted to activity: 1,400 sq. ft.  
Total floor area devoted to activity MUST be the main structure, NOT any accessory Building \_\_\_\_\_ (please initial you will comply)  
Will accessory storage be necessary?  Yes  No  
If so, where will it be? \_\_\_\_\_

Will the activity require any special tools or structure improvements? No

Applicant agrees NO signage is allowed N/A (please initial you will comply)  
In the space provided or on an attached sheet, please describe in detail your activity, including hours of operation, type of clientele, number of vehicles anticipated to visit the site in the average work day and any other changes that will affect the nature or appearance of the site.  
Consignment shop for clothing and women's accessories. Retail Use. Operating hours 10am-6pm Monday-Saturday; 1pm-6pm Sunday.

The above is a true representation of the activity and the method of operation upon approval:

Applicant Signature: Doris E. Buck  
Owner's Signature: [Signature] TOWN CLERK

Approved  Rejected by Town Council Vote: \_\_\_\_\_ Date: \_\_\_\_\_  
Conditions: \_\_\_\_\_ Signature: \_\_\_\_\_  
Fee: 500.00 Paid: \_\_\_\_\_ Date: \_\_\_\_\_



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TO: Town of Haymarket Town Council  
SUBJECT: Special Use Permit - Upscale Seconds  
DATE: 11/13/12

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Special Use Permit for a Consignment Shop.

**ATTACHMENTS:**

- For Agenda 11-13-2012 PH SUP20121009 Upscale Consignments (PDF)



INTEROFFICE MEMORANDUM

**TO:** MAYOR AND TOWN COUNCIL, MEMBERS OF THE PLANNING COMMISSION  
**FROM:** GENE SWEARINGEN  
**SUBJECT:** **REQUEST FOR SPECIAL EXCEPTION USE (SECONDHAND SALES)**  
**#SUP20121009, 1491 WASHINGTON STREET, SUITE B**  
**UPSCALE SECONDS**  
**DATE:** 11-13-12  
**CC:** STAFF

**A request for a special use permit (secondhand retail sales) at 1491 Washington Street.**

BACKGROUND / PROPOSAL

Isaac Segunro has submitted a special use permit application, #SUP20121009, to permit secondhand retail sales (consignment sales) at the above-mentioned location. The previous retail tenant, Arthur’s Court, has suspended retail operations. The special use permit application will validate the existing business. The subject property is zoned B-1 and is designated Low Density Residential by the Town’s Comprehensive Plan. Consignment stores are permitted as a special use in the B-1 district; “Sec. 58-178(5) Secondhand Retail Sales”.

DRAFT MOTION(S)

Planning Commission

1. I move that the Planning Commission forward #SUP20121009, special use permit for secondhand retail sales at 1491 Washington Street, Suite B, to the Town Council with a recommendation of approval in accordance with Town Code Section 58-178(5).

OR,

2. I move an alternate motion

Town Council

- 1.a. I move that the Town Council approve #SUP20120305 for an in-home occupation at 6720 Jefferson Street as described on the Special Use Permit Application dated May 5, 2012, pursuant to Section 58-98(8) of the Zoning Ordinance, and subject to the development standards of Section 58-16, Home occupations;

AND

Attachment: For Agenda 11-13-2012 PH SUP20121009 Upscale Consignments (1203 : Special Use Permit - Upscale Seconds)

- 1.b. 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.

OR,

2. I move an alternate motion.

RECEIVED

OCT - 9 2012



The Town of HAYMARKET  
Established in 1799

TOWN OF HAYMARKET

Date: 10/9/12

Case #: SUP20121089

Special Use Permit Application

Business Name: Upscale Seconds

Address: 14891 Washington St, Haymarket, 2016

Applicant's Information

Property Owner's Information

Name: Isaac Segunro  
Address: 14891 Washington St.  
City: Haymarket  
State/Zip: VA, 20169  
Phone: 571-221-3137

Name: Marika Evans / Brooke Kimbrough  
Address: 14891 Washington St  
City: Haymarket  
State/Zip: VA, 20169  
Phone: \_\_\_\_\_

Type of Structure:  SFD  Multi  TH Zoning District: B1 Code Section: 58-178(5)

SECONDHAND RETAIL SALE

Name of Business: Upscale Seconds Consignments

Name of Business: \_\_\_\_\_

Number of employees working from site: 2

Number of vehicles: 2 Type: \_\_\_\_\_ GVH: \_\_\_\_\_

Number of parking spaces set aside for this activity: 8

Total floor area of structure devoted to activity: 500 sq. ft.

Total floor area devoted to activity MUST be the main structure, NOT any accessory Building (u) (please initial you will comply)

Will accessory storage be necessary?  Yes  No

If so, where will it be? N/A

Will the activity require any special tools or structure improvements? NO

Applicant agrees NO signage is allowed \_\_\_\_\_ (please initial you will comply)

In the space provided or on an attached sheet, please describe in detail your activity, including hours of operation, type of clientele, number of vehicles anticipated to visit the site in the average work day and any other changes that will affect the nature or appearance of the site.

Upscale Seconds consignments is a high-end resale retail store.

Business hours Tuesday, Wednesday, Thursday, Friday, Saturday

Tuesdays - are in home pick-up service, Wed. 12-6 PM, Thursday 12-5 PM, Friday 12-6 PM

Saturday 10-6 p.m. The type of clientele is geared towards women.

The above is a true representation of the activity and the method of operation upon approval:

PAID

OCT - 9 2012

Applicant Signature: [Signature]

Owner's Signature: [Signature]

Town of Haymarket

Approved  Rejected by Town Council Vote: \_\_\_\_\_ Date: \_\_\_\_\_

Conditions: \_\_\_\_\_ Signature: \_\_\_\_\_

Fee: \_\_\_\_\_ Paid: 500.00 11-9-12 Date: \_\_\_\_\_

Attachment: For Agenda 11-13-2012 PH SUP20121009 Upscale Consignments (1203 : Special Use Permit - Upscale Seconds)





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TO: Town of Haymarket Town Council

SUBJECT: ZTA's

DATE: 11/13/12

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To Adopt Codified Ordinance Amendments

**ATTACHMENTS:**

- For Agenda 11-13-12 Adopt Codified Ordinance Amendments (PDF)



**TO:** MAYOR AND TOWN COUNCIL

**FROM:** GENE SWEARINGEN

**SUBJECT:** JOINT PUBLIC HEARING – ORDINANCE TO AMEND THE TOWN CODE  
RE: 2012 SESSION OF THE VIRGINIA GENERAL ASSEMBLY

**DATE:** 11-13-12

**CC:** STAFF

At its October 2012 Meeting, the Planning Commission motioned to schedule a joint public hearing with the Town Council for consideration of Codified Ordinance Amendments related to recent state legislation resulting from the 2012 Session of the Virginia Assembly.

#### BACKGROUND

At its October 2012 meeting, the Town Council adopted a resolution to amend the Haymarket Town Code. Town Staff had been asked to review legislation enacted during the 2012 Session of the Virginia General Assembly to determine what amendments to the Town's Codified Ordinances, if any, would be required; specifically, amendments to Section 58 of the Town Code (Zoning Ordinance). In conjunction with this effort, Staff also recommended that the Town Council consider Zoning Ordinance amendments to address, among other standards, business signage, parking, and site plan requirements.

At its October meeting, the Planning Commission motioned to separate those amendments associated with the 2012 Session and forward them to the Town Council for a Joint Public Hearing. The amendments relate to the administration of the Town's Historic District, "stop work" orders regarding land disturbance, and rules and regulations regarding Board of Zoning Appeals decisions. The amendments will amend the Town's Codified Ordinance and Zoning Ordinance.

#### RECOMMENDATION

It is recommended that the Town Council adopt an Ordinance to amend the Town Code. The suggested amendments are attached. A draft Ordinance will be distributed to the Town Council prior to the November 13 Town Council Meeting.

#### DRAFT MOTION(S)

##### Planning Commission

1. I move 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.

OR,

- 2. I move an alternate motion

Town Council

- 1. I move that the Town Council adopt the attached Ordinance to Amend the Code of Haymarket, Virginia.

OR,

- 2. I move that the Town Council take no action regarding \_\_\_\_\_.

OR,

- 3. I move an alternate motion

Attachment: For Agenda 11-13-12 Adopt Codified Ordinance Amendments (1204 : ZTA's)



## SUGGESTED CODIFIED ORDINANCE AMENDMENTS RE: 2012 SESSION OF THE VIRGINIA GENERAL ASSEMBLY

[10-15-12]

### **Enacted Legislation: HB 327 Historic structures; demolition.**

Amends § 36-105 to provide that a locality may require by ordinance that certain structures within a historic district not be demolished until approved by the review board or, on appeal, the governing body after consultation with the review board. The bill provides, however, that if the local maintenance code official, in accordance with the Uniform Statewide Building Code, Part III Maintenance, determines that the structure constitutes a hazard, the historic structure shall be razed and removed. The bill defines contributing landmark, building, or structure.

### **Town Code Modification**

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.

### **Enacted Legislation: HB 1009 Land-disturbing activities; service of order for violation shall be posted on site, etc.**

Amends § 10.1-566 to specify the means of serving an order for land disturbance where no plan has been approved or permit obtained, other than where an agricultural exemption applies. Current law refers only to an order for a failure to comply with a plan or permit.

### **Town Code Modification**

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

(c) Upon determination of a violation of this article, 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 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.

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**Enacted Legislation: HB 1137 Historic districts; any locality that establishes or expands district shall identify all landmarks.**

Amends § 15.2-2306 to provide that before any locality designates by ordinance any building, structure, district, object, or site as part of a local historic district, public input is required, 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. A locality 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.

**Town Code Modification**

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.

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**Enacted Legislation: HB 1269 Zoning appeals, board of; appeals resulting in tie vote may be carried over until next meeting.**

Amends § 15.2-2311 to provide that if certain votes of a local board of zoning appeals result in a tie vote, the person filing an appeal may have the matter carried over until the next meeting.

**Town Code Modification**

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

- (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.



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TO: Town of Haymarket Town Council

SUBJECT: Board of Zoning Appeals

DATE: 11/13/12

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The Board of Zoning Appeals currently has three vacancies. The Town has reached out to residents asking for volunteers to sit on this board. Mr. Jason Grogg of 6771 Madison Street, Mr. Eric Mathews of 6600 Fayette Street, and Mr. Robert Day of 6945 Jockey Club Lane all have expressed an interest in serving on the BZA. It is recommended that the Town Council accept these three applications and appoint to the Board of Zoning Appeals.

**ATTACHMENTS:**

- Mathews Interest BZA 2012 (PDF)
- Day interest in BZA (PDF)
- Jason Grogg Bio (PDF)

**From:** [Eric Mathews](#)  
**To:** [Jennifer Preli](#)  
**Subject:** BZA  
**Date:** Monday, October 22, 2012 1:59:19 PM

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Hi Jennifer,

As you well know I have lived in Haymarket over 30 years and feel that my objectivity and experience could be an asset to the BZA let's see what needs to be done to make this happen.

Thanks  
Eric

**From:** MrRob8 [<mailto:mrrob8@comcast.net>]  
**Sent:** Thursday, September 20, 2012 11:21 PM  
**To:** Jennifer Preli  
**Subject:** Re: Board of Zoning Appeals

Jennifer Preli,  
 Thank you again for contacting me. I would be glad to share this information with you.

I am interested in serving on the Board of Zoning Appeals. My family and I moved from Manassas Park to Haymarket in February. Originally I am from Upper Marlboro Maryland. My eldest daughter is away at college, while my youngest daughter is a sophomore at Battlefield High School. I work for Dulles Glass & Mirror as the Purchasing Manager. I am a graduate of Liberty University.  
 Thank you for your consideration. I look forward to hearing from you.

Sincerely,

Robert Day

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**From:** [mrrob8@comcast.net](mailto:mrrob8@comcast.net) [<mailto:mrrob8@comcast.net>]  
**Sent:** Wednesday, September 19, 2012 8:55 PM  
**To:** Jennifer Preli  
**Subject:** Re: Board of Zoning Appeals

Yes, i am interested.  
 Robert Day  
 6945 Jockey Club Lane  
 Haymarket, va 20169  
 703-965-5181

Thank you.

Sent from Xfinity Connect Mobile App

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

**From:** [jpreli@townofhaymarket.org](mailto:jpreli@townofhaymarket.org)  
**To:** [mrrob8@comcast.net](mailto:mrrob8@comcast.net)  
**Sent:** Wed Sep 19 04:42:07 UTC 2012  
**Subject:** Board of Zoning Appeals  
 Good Afternoon Mr. Day.....

I'd like to thank you for providing us your contact information on Haymarket Day. I'd like to see if you are still interested in serving on this board. If so, can you please provide me some additional information. I will need your address and telephone number.

Thank you so much for your interest in serving on the Town's Board of Zoning Appeals.

Attachment: Day interest in BZA (1170 : Board of Zoning Appeals)

**Sherrie Wilson**

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**From:** Sherrie Wilson  
**Sent:** Friday, November 02, 2012 3:27 PM  
**To:** Sherrie Wilson  
**Subject:** Application to BZA

Jennifer/Sherrie,

Sorry this took so long, I have been swamped at work.

Jason Grogg Bio:

After completing my undergraduate studies at Radford University in 2003, my wife and I settled down in Haymarket in November 2006. We have two children and two Labradors that love the small town feeling of Haymarket. My business development career is focused on Information Technology systems within the Department of Veterans Affairs through a Service Disabled Veteran Owned Small Business, Systems Made Simple. I travel extensively for my job and enjoy getting into the great outdoors on the weekends. While at Radford University, I served as the President (2002-2003) of Student Government for a student population of 10,000 students.

thanks,

jason

Attachment: Jason Grogg Bio (1170 : Board of Zoning Appeals)



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TO: Town of Haymarket Town Council

SUBJECT: ARB Membership Expansion

DATE: 11/13/12

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At the September 4, 2012 meeting, the Town Council considered the matter of expanding the membership of the ARB from five to seven members. The matter was tabled. Vice Mayor Tobias asked that this matter be placed on the November 13, 2012 agenda. There has been an ARB and Planning Commission vacancy since the October Council meeting. Ellie Ivancic has resigned from both boards.



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TO: Town of Haymarket Town Council

SUBJECT: Policy

DATE: 11/13/12

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Councilwoman Bare has asked that the attached policy be considered by the Town Council. Mayor Leake would like to create a Policy & Procedures workshop schedule.

**ATTACHMENTS:**

- POL20121113 (PDF)



**Resolution: AMEND COUNCIL RULES OF PROCEDURE**

**BE IT RESOLVED** by the Town Council of the Town of Haymarket, in accordance with section \_\_\_\_\_ of the Town Code that the following Council Rules of Procedure be adopted with an effective date of October 1, 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 meeting minutes
  
5. Citizens Time
6. Updates
7. Agenda Items
8. Appropriations
9. Department Reports
10. Closed Session
11. Citizens Time
12. Councilmember Time
13. 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: Initiate ZTA

DATE: 11/13/12

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An application has come in to initiate a Zoning Text Amendment for a Funeral Home in the B1 Zoning District. The Town Planner will report on this.

**ATTACHMENTS:**

- For Agenda 11-13-2012 Initiate ZTA (PDF)



## INTEROFFICE MEMORANDUM

**TO:** MAYOR AND TOWN COUNCIL

**FROM:** GENE SWEARINGEN

**SUBJECT:** APPLICATION FOR ZONING TEXT AMENDMENT - ADOPT RESOLUTION OF INTENT TO AMEND CHAPTER 58 OF THE TOWN CODE (ZONING ORDINANCE)

**DATE:** 11-13-12

**CC:** STAFF

John Foote, on behalf of Cifford Blasius and McGraw's Corner, LLC, has submitted a Zoning Text Amendment Application to permit Mortuary, Funeral Home and Crematory use within the B-1 Zoning District. Pursuant to Section 58-425 of the Zoning Ordinance, it is recommended that the Town Council forward the application to the Planning Commission for consideration.

## BACKGROUND

The Applicant has submitted an application to amend Chapter 58 of the Town's Codified Ordinance (Zoning Ordinance) to permit "Mortuary, funeral home" use by-right within the B-1 zoning district as well as permit "Crematory" use by special use permit within the Zoning District. A narrative explaining the proposal is attached.

Section 58-425 of the Zoning Ordinance states proposed amendments to Chapter 58 shall be referred to the Planning Commission for its recommendation.

## RECOMMENDATION

It is recommended that the Town Council adopt a resolution of intent to amend Chapter 58 of the Town Code and to forward the resolution to the Planning Commission for consideration pursuant to Section 58-425 of the Haymarket Town Code and the Code of Virginia, 15.2-2285, as amended. A draft resolution will be forwarded to the Town Council prior to the Town Council meeting on November 13. The resolution will direct the Planning Commission to consider such amendments and forward their recommendation to the Town Council.

## DRAFT MOTION(S)

1. I move that the Town Council adopt the attached Resolution of Intent to Amend Chapter 58 (Zoning) of the Haymarket Town Code.

Or,

2. I move that the Town Council take no action regarding \_\_\_\_\_.

Or,

3. I move an alternate motion





**WALSH COLUCCI  
LUBELEY EMRICH  
& WALSH PC**

John H. Foote  
(703) 680-4664 Ext. 5114  
jfoote@pw.thelandlawyers.com  
Fax: (703) 680-2161

November 2, 2012

Mr. Gene Swearingen, Town Manager,  
Mr. Marchant Schneider, Town Planner  
Town of Haymarket  
P. O. Box 1230  
Haymarket, Virginia 20168

Re: Application for Zoning Text Amendment

Dear Messrs. Swearingen and Schneider:

This firm represents Clifford Blasius and McGraw's Corner, LLC, in connection with their request that the Planning Commission and Council consider amendments to the Town's Zoning Ordinance that would permit construction of a funeral home in the Town's B-1 District. McGraw's Corner is soon to be under contract to acquire a property in that District. As you can see from the draft of that contract attached, purchase would be contingent upon approval of zoning text amendments to permit the desired use of the property.

Mr. Blasius has long and successful experience in this essential business. Most recently, he was the owner/manager of the Blasius-Baker Funeral Home in Old Town Manassas, adjacent to residential and commercial uses, where he operated for many years until he sold that company. He wishes to re-enter the business, and after much analysis has determined that the need for the services of a funeral home is greatest in the Gainesville/Haymarket area. There are, indeed, presently no such facilities in the area.

For purposes of comparison, most jurisdictions in which this firm works, including as examples Prince William, Stafford, and Fairfax Counties, the cities of Manassas and Fairfax, and the Towns of Occoquan, Herndon, and Front Royal permit funeral homes as a use by right in one or more of their commercial districts, in recognition they are business operations with minimal impact on a locality, and that are fundamentally identical to other business uses.<sup>1</sup> They present no adverse effects on surrounding businesses or residences, and increase the taxable value of the

<sup>1</sup> We note that most Virginia jurisdictions appear to use the term "funeral home," rather than "mortuary." The terms do not have a significant difference in meaning, and both are proposed in the text provided.

Mr. Gene Swearingen  
Mr. Marchant Schneider  
November 2, 2012  
Page | 2

real property on which they are located. They are, in short, good neighbors providing a service that, unless the laws of nature have been repealed, all need in the fullness of time, and that are participating taxpayers and citizens.

The application submitted proposes the addition of the necessary definitions, and the inclusion of the appropriate uses, including the inclusion of a crematory as a special use, it should be understood that the applicant does not propose a crematory and has no present plans for such a facility. Because such services are today often associated with funeral homes, however, we suggest that the Town consider providing for them but only by special use permit.

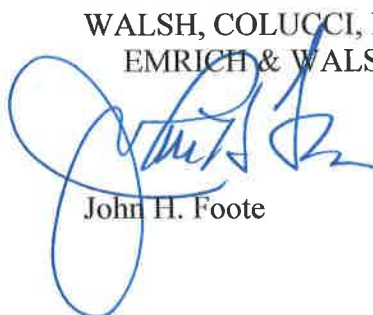
We also note that although the current Town Zoning Ordinance does not provide for funeral homes, mortuaries, or crematoria, there is, interestingly, a provision in § 58-11(7) of the Ordinance regulating minimum off-street parking for mortuaries, requiring at least ten parking spaces.

Because we have had long experience in the development of ordinance amendments, we are also attaching for the Council's convenience a proposed initiating resolution that comports with the requirements of Virginia law for the commencement of the zoning text amendment process.

We are pleased to submit this application on our clients' behalf, and pleased as well to discuss this with you, the Commission, and the Council. We appreciate the Town's cordial consideration of this proposal.

Very truly yours,

WALSH, COLUCCI, LUBELEY,  
EMRICH & WALSH, P.C.



John H. Foote

JHF/jf

cc: Clifford Blasius



- Check Appropriate Item(s):
- Amendment to Zoning Map
  - Zoning Text Amendment

Office Use Only

Date Received: \_\_\_\_\_

Application Number: \_\_\_\_\_

Fees Received: \_\_\_\_\_

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

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

- 1) Number and Street: 14850 Washington ST. HAYMARKET, VA
- 2) Present Zoning: B1 3) Acres: 2.1662
- 4) Legal Description of Property (Omit for zoning text amendment) – Attach if necessary.

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

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

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

- 1) Applicant Information:
  - Name: CLIFFORD C. BLASIUS JR.; Mc Graws Corner, LLC.
  - Address: 10544 Knollwood DR. MANASSAS, VA.
  - Phone Number: 703 330 8394(H) 703 489 4639(C)
- 2) Agent Information (if any):
  - Name: John H. Foote, Jessica Sacksteder, Haley Colucci, Lizabeth Environ + Health
  - Address: 4310 Prince William Parkway # 300, Prince William, VA 22192
  - Phone Number: 703 680 4664

3) Owners of all property included in this application (omit for zoning text change):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

*Not applicable*

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

Trustee/Partner Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Interest: \_\_\_\_\_

Beneficiary/Partner Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Interest: \_\_\_\_\_

Beneficiary/Partner Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Interest: \_\_\_\_\_

*Not applicable*

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

If YES, state interest and attach documentation: \_\_\_\_\_

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

*The applicant proposes to purchase the property identified above, for business use.*

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

*See K attached.*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

*Not applicable*

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

*Please see the attached.*

**Part 2** – Complete **ONLY** portion(s) pertaining to your case. (as checked at top of Page 1)

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

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

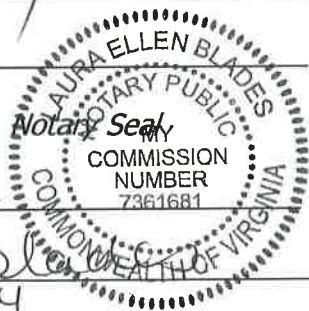
**2-B Zoning Text Amendment** – Applications for amendments to the zoning text are heard by the Planning Commission, which makes a recommendation to the Town Council. Only the Town Council has the authority to change the zoning text, which is done by passing an amendment to the Town Code.

- 1) What section(s) of the Town Code is proposed to be amended? \_\_\_\_\_  
*Zoning Definitions; § 58-177; § 58-178*
- 2) What is the nature of the proposed change? \_\_\_\_\_  
*Please see the attached narrative*
- 3) Attach the exact language suggested by the application to be added, deleted, or changed in the Town Code.
- 4) Attach a written statement which justifies the proposed change. The statement should also identify potential positive and negative impacts (if any) of the proposed change to the applicant's property, nearby properties, and the entire community if the application is approved or if it is denied.

**Part 3** – To be completed by ALL applicants

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

- 1) To the best of my knowledge, I hereby affirm that all information in this application and any attached material and documents are true:
  - a) Signature of **applicant**: *Clyff C. Blasing*
  - b) Signature of **agent** (if any): \_\_\_\_\_
  - c) Date: 10/25/12
- 2) a) Signed and sworn before me this: 10/25/12  
 b) Signature of **Notary**: *Laura Ellen Blades*  
*my Commission Expires 9/30/14*



Please read the following sections of the Haymarket Town Code for information on the procedures for zoning text amendment and zoning map amendment petitions:

PLEASE SEE THE FOLLOWING PAGE, THE REMAINDER OF THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY.



**Sec. 58-422. Amendments generally.**

Whenever public necessity, general welfare or good zoning practice requires, the council may by general ordinance amend, supplement or change the regulations, restrictions, district boundaries or classification of property established in this chapter by majority vote, provided that no such action may be taken until after at least one public hearing has been held in relation to such action as provided by Code of Virginia, § 15.2-2204, as amended, at which parties of interest and citizens shall have an opportunity to be heard. Any such amendment may be initiated by petition of any property owner addressed to the council, by resolution of the council or by motion of the planning commission in the following manner:

- (1) **Property owner petition.** By filing with the town clerk a petition of any owners of land proposed to be rezoned. The petition shall be addressed to the town council and shall be on a standard application form signed by the owner or his agent, accompanied by three copies of metes and bounds description and the plat of the property proposed for rezoning, a conflict of interest statement, a fee to be determined in accordance with the fee schedule adopted by the town council, and a narrative addressing compatibility of the request with the adopted comprehensive plan and its goals and objectives. When the petitioner desires to submit, or the application contains conditions proffered in accordance with Code of Virginia, § 15.2-2297, as amended, the application shall contain the conditions and the following statement: "I hereby proffer that the development and/or use of the subject property of this application shall be in strict accordance with the conditions set forth in this submission, unless an amendment thereto is mutually agreed upon by the town council and the undersigned."
- (2) **Town council resolution.** By the adoption by the council of a resolution of intention to amend, which resolution upon adoption shall be referred to the commission for consideration pursuant to Code of Virginia, § 15.2-2285, as amended.
- (3) **Planning commission resolution.** By the adoption by the commission of a resolution of intention to propose an amendment.  
(Ord. of 2-20-1989)

**Sec. 58-423. Conflict of interest.**

When a zoning application is filed by a property owner, such petition shall be sworn to under oath before a notary public, stating whether any member of the council or the commission has an interest in such property, whether individually, by ownership of stock in a corporation owning such land or by partnership, or whether a member of the immediate household of any member has such interest. For the purpose of this section, own or have any interest in shall mean being a holder of ten percent or more of the outstanding shares of stock in or serving as a director or officer of any corporation owning such land, directly or indirectly, by members of his immediate household.  
(Ord. of 2-20-1989)

**Sec. 58-424. Notice of hearings.**

The commission shall not recommend nor the council adopt any plan, ordinance or amendment, change in district boundaries or classification of property until the notice and public hearing requirements as required by the Code of Virginia have been satisfied.  
(Ord. of 2-20-1989)

**Sec. 58-425. Review and action.**

- (1) In accordance with Code of Virginia, tit. 15.2, proposed amendments to this chapter, changes in district boundaries or classifications of property shall be referred to the planning commission for its recommendation. The commission, in review of the proposal, shall consider the nature of the request, its consistency with the comprehensive plan, and the impact of such request on the services, character and needs of the community. Any request submitted to the planning commission must be forwarded to the council for action within 65 days of the first commission meeting of which the request appeared as an agenda item. Failure of the commission to act within 65 days shall be deemed no recommendation by the commission, and the town clerk shall forward the request to the council for action. The commission and the town council shall each hold at least one public hearing prior to the council's action. Such public hearings may, with the consent of both



bodies, be held during a joint session when advertised in accordance with section 58-424. The town council shall render a decision on an applicant's request not later than one year after the date the application for amendment was filed with and accepted by the town clerk.

- (2) All requests must be accepted by the town, in accordance with all land use policy memos, a least twenty days prior to the next regularly scheduled meeting of the planning commission to appear as an agenda item at that meeting.
- (Ord. of 2-20-1989)

**Sec. 58-426. Limitation on refiling of petition following denial.**

Upon denial of any petition to change a zoning district, no further petition concerning any or all of the same property for amendment to the same zoning district as applied for in the petition denied shall be filed within one year of such denial.

(Ord. of 2-20-1989)

**Sec. 58-427. Withdrawal of petition.**

An application for an amendment may be withdrawn at any time; provided that, if the request for withdrawal is made after the notice of public hearing, no application for the reclassification of any or all of the same property shall be filed within six months of the withdrawal date. There shall be no refund of fees in the case of a withdrawal.

(Ord. of 2-20-1989)

**Sec. 58-428. Deferral upon request of applicant.**

Nothing in this article shall deny the applicant the consideration to request deferral of his petition. However, any request for deferral must be submitted in writing nine days prior to any scheduled meeting or public hearing affecting the application in question; and the commission or council, upon receipt of such request, must agree that such deferral may allow for the production of substantial information affecting the appropriateness of the request with the comprehensive plan.

(Ord. of 2-20-1989)

**Sec. 58-429. Matters to be considered in reviewing proposed amendments.**

Proposed amendments shall be considered with reasonable consideration for the:

- (1) Existing use and character of the area;
- (2) Suitability of the property for various uses;
- (3) Trends of growth or change;
- (4) Current and future requirements of the town as to land for various purposes as determined by population and economic studies and other studies;
- (5) Transportation requirements of the community and the town's requirements for parks, playgrounds, recreation areas, other public services, or the conservation of natural resources and preservation of floodplains; and
- (6) Conservation of properties and their values and the encouragement of most appropriate use of land throughout the town.

These considerations shall include but are not limited to comprehensive plans or their parts, capital improvement programs, relation of development to roads and construction programs, and the proximity of the development to utilities and public facilities.

(Ord. of 2-20-1989)

**Sec. 58-430. Conditions as part of rezoning or zoning map amendment.**

A landowner may voluntarily proffer in writing reasonable conditions, prior to a public hearing before the council, in addition to the regulations provided for the zoning district or zone by this chapter, as a part of a rezoning or amendment to a zoning map, provided that the rezoning itself gives rise to the need for the conditions, such conditions have a reasonable relation to the rezoning, and all such conditions are in conformity with the comprehensive plan as defined in Code of Virginia, § 15.2-2223, as amended. Once proffered and accepted as part of an amendment to this chapter, such conditions

shall continue in effect until a subsequent amendment changes the zoning on the property covered by such conditions; however, such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.  
(Ord. of 4-1-1996, § 1)

Secs. 58-431--58-465. Reserved.

**PURCHASE AND SALE AGREEMENT**

THIS PURCHASE AND SALE AGREEMENT ("**Agreement**"), made this 1st day of November, 2012 by and between Ramsey Holdings, LLC, a Virginia limited liability company ("**Seller**") and McGraws Corner LLC ("**Purchaser**").

Seller is the owner of the premises and building located at 14850 Washington Street, Haymarket, Virginia 20169 ("**Property**"). Seller desires to sell to Purchaser and Purchaser desires to purchase from Seller the Property on the terms and conditions hereinafter set forth.

NOW THEREFORE, in consideration of the mutual covenants of Seller and Purchaser and for other good and valuable consideration the receipt and sufficiency of which Seller hereby acknowledges, Seller and Purchaser hereby agree as follows:

1) Agreement of Sale and Purchase. Seller hereby agrees to sell and convey to Purchaser and Purchaser hereby agrees to purchase from Seller, in fee simple absolute, under the terms and conditions hereinafter set forth, the Property, together with any and all improvements, appurtenances, rights, privileges and easements benefiting, belonging or pertaining thereto.

2) Description of the Property. The Property is located at 14850 Washington Street, Haymarket Virginia 20169, and is more particularly described as follows:

Beginning at a point in the northeasterly right of way line of Virginia Route 55 (John Marshal Highway), said point being the southeasterly corner of the Paxton Van Line, Inc Property, and the southwesterly corner of the parcel herein described; thence departing John Marshall Highway and with the Paxton Van Lines Inc. Property North 34 degrees 19' 38" E. 586.21 feet to a point in the line of the now or formerly M.S. Melton Estate; thence with the Melton Estate N 53 degrees 23' 08" E. 213.89 feet to an iron pipe found at the northwesterly corner of the Haymarket Baptist Church Property; thence with the Haymarket Baptist Church Property S. 35 degrees 56' 22" W. 350.80 feet to an iron pipe found at the northeasterly corner of the Kasbohm Property (Animal Clinic); thence with the Kasbohm property the following course and distances: S. 35 degrees 56' 22" W., crossing as iron pipe found at 234.16 feet, and being 236.16 feet in all to a point in the aforesaid northeasterly right of way line of John Marshall Highway; thence with John Marshall Highway N. 53 degrees 02' 32" W. 86.41 feet to the point of beginning containing 2.1662 acres.

Less and except that portion conveyed to the Town of Haymarket recorded at Instrument No. 201107070056080.

Parcel ID Number: 7397-09-1178

Property Address: 14850 Washington St., Haymarket, Virginia 20169

3) Closing. The closing and settlement of this Agreement ("**Closing**") shall take place on or before March 30, 2013, at U.S. Titles, Annandale, Virginia ("**Closing Agent**").

4) Purchase Price. Purchaser shall pay to Seller a total purchase price of [REDACTED] ("**Purchase Price**") for the Property.

5) Deposit. Upon the full execution and delivery of this Agreement, in exchange for Seller's agreement not to sell the Property to another during the term of this Agreement, the Purchaser shall deposit with Closing Agent a certified or cashier's check or wire transfer in the sum of [REDACTED] ("**Initial Deposit**"). Except as set forth in Paragraph 7 and 8 below, the Deposit is non-refundable. At the end of the Study Period (defined below) if this Contract has not been terminated, Purchaser shall deposit the additional sum of [REDACTED] with Closing Agent (the "**Additional Deposit**") and credited to Purchaser at Settlement or paid to Seller or Purchaser pursuant to the terms of this Contract. The term "Deposit" shall refer to the amounts paid to Closing Agent including the Initial Deposit, Additional Deposit, and all interest earned thereon (if any). In the event of any dispute between Purchaser and Seller regarding the disbursement or disposition of the Deposit, or in the event Closing Agent shall receive conflicting demands or instructions with respect thereto, Closing Agent shall withhold such disbursement or disposition until otherwise instructed by both of the parties or until directed by a court of competent jurisdiction. Purchaser and Seller hereby jointly and severally agree that, except as provided herein, Closing Agent shall incur no liability whatsoever in connection with its good faith performance under this Agreement. Purchaser and Seller hereby jointly and severally release and waive any claims they may have against Closing Agent that may result from its performance in good faith in its functions under this Agreement. Closing Agent shall be liable only for loss or damage caused by its, or any of its officers' or employees', acts of gross negligence or willful misconduct while performing as Closing Agent.

6) Payment of Purchase Price. The Purchase Price shall be paid at Closing by cashier's check or wire transfer, of which the Deposit shall be a part, less deductions and prorations, if any, required by this Agreement.

7) Study Period. This Agreement shall be conditioned upon and contingent upon Purchaser having 90 days from the date of final acceptance of this Agreement to conduct a study of the Property ("**Study Period**"). Purchaser shall have the right to access the Property for conducting such engineering and other feasibility studies as it deems appropriate. At any time prior to the expiration of the Study Period, Purchaser shall have the right to terminate this Agreement and receive a return of the Deposit. Upon execution of this Agreement, Seller shall provide to Purchaser all engineering, surveys, title reports, and other studies that

Seller has in its possession or under its control concerning or relating to the Property. If Purchaser's tests and studies alter the condition of the Property, Purchaser shall restore the Property at the Purchaser's expense as nearly as possible to its condition prior to the entry of Purchaser and its agents. Purchaser shall indemnify and hold Seller harmless from and against all costs, expenses, and liabilities incurred by Purchaser in connection with the tests, studies and investigations conducted by Purchaser.

8) • Contingency. This Agreement is contingent upon approval by the Prince William County Board of Supervisors and the Town of Haymarket for the construction and operation of a full service funeral home/mortuary of a size acceptable to Purchaser. This Agreement is contingent upon Purchaser obtaining a land acquisition, development and construction loan commitment of not less than [REDACTED] at the then prevailing rates. Contingency shall expire on February 28, 2013.

9) Title. Seller will convey the Property with special warranty and title that is insurable by a licensed title insurance company with no additional risk premium, but subject to commonly acceptable easements, covenants, conditions and restrictions of record, if any.

10) Property Owners' Association Disclosure. Seller represents that the Property (check as applicable) \_\_\_ is x is not located within a development which is subject to the Virginia Property Owners' Association Act (Section 55-508 through 55-516 of the Code of Virginia). If the Property is within such a development, the Act requires the Seller to obtain from the property owners' association an association disclosure packet and provide it to the Purchaser. Purchaser may cancel this Agreement within 3 days after receiving the packet or being notified that the association disclosure packet will not be available. The right to receive the association disclosure packet and the right to cancel this Agreement are waived conclusively if not exercised before Closing.

11) Default and Remedies.

(a) If, prior to Closing, Purchaser shall default under this Agreement and such default has not been cured within five (5) business days after written notice given by Seller to Purchaser specifying the nature of such default or if, at Closing, Purchaser shall fail, refuse or be unable to purchase the Property in accordance with the terms and provisions of this Agreement, Seller shall be entitled to terminate this Agreement and any closing escrow and promptly receive the Deposit and Seller shall have all remedies available under law.

(b) If, prior to Closing, Seller shall default under this Agreement and default has not been cured within five (5) business days after written notice given by Purchaser to Seller specifying the nature of such default or if, at Closing, Seller shall fail, refuse or be unable to convey the Property to Purchaser in accordance with the terms and provisions of this Agreement, Purchaser shall be entitled, provided Purchaser is not in default hereunder, to elect any one of the following: (i) terminate its obligation to purchase and Seller's obligation



to sell the Property, and not proceed to Closing hereunder, whereupon Purchaser shall be entitled to cancel or terminate the closing escrow and receive a prompt return of the Deposit; or (ii) waive such default and proceed to Closing; or (iii) seek such other remedies as are available under Virginia law including, without limitation, specific performance.

12) Closing Costs. Seller shall pay the Virginia Grantor's Tax and a portion of the settlement fee not to exceed \$150.00. Purchaser shall pay state and local recordation taxes, the costs of examination of title and preparation of a survey if required, the premium of any title insurance policy purchased by Purchase, and all other settlement fees. Seller and Purchaser shall pay their own attorney's fees. Real estate taxes and condominium or homeowner association assessments shall be prorated and adjusted to the date of Closing.

13) Condition of Property, Sold "As Is"; Possession. At Closing, Purchaser shall take the Property in its "as is" condition without any representations or warranties of any kind. Seller assumes all risk of loss or damage to the Property by fire or other casualty until Closing. Seller makes no warranties whatsoever of the condition of the Property including, but not limited to, environmental conditions or availability of utilities. Purchaser, at its expense, is solely responsible for determining the condition of the Property and its suitability for Purchaser's purposes. Seller shall not deliver possession of the Property to Purchaser; recovery of possession being the sole responsibility of Purchaser.

14) Intentionally Omitted.

15) Representations and Warranties of Seller. Seller represents and warrants to Purchaser as follows, all of which representations and warranties are true and correct as of the date hereof and shall be true and correct as of Closing:

(a) Seller is authorized to sell the Property to Purchaser without the consent of any other person or entity; and

(b) Seller is not a "foreign person" as that term is defined in Section 1445 of the Internal Revenue Code, and Seller shall execute an affidavit to such effect in the form to be provided by Purchaser.

16) Representations and Warranties of Purchaser. Purchaser acknowledges that Seller is not making and has not made any representations, warranties or covenants with respect to the Property or otherwise. Purchaser purchases the Property solely on the basis of its own investigation of the condition of the Property, including any tenants or occupants. Other than as expressly set forth in this Agreement, neither Seller nor any of its agents, employees, members, managers, partners, officers, attorneys or other representatives have made, or will make, any representations, or warranties, express or implied, verbal or written, on which Purchaser may, or shall be entitled to, rely.

17) Brokerage. Each party warrants to the other that it has not dealt with any real estate broker or finder in connection with this transaction. Should any claim for a commission be established by any broker or agent, the parties hereby expressly agree to hold one another harmless with respect thereto to the extent that one or the other is shown to have been responsible for the creation of such claim.

18) Notice. Any notice to be given hereunder may be served upon the parties personally or served by registered or certified mail, addressed to the parties as follows:

If to Seller: Ramsey Holdings, LLC  
100 S. Fairfax Street  
Alexandria, Virginia 22314

with a copy to: William H. Casterline, Jr., Esquire  
Blankingship & Keith, PC  
4020 University Drive, Suite 300  
Fairfax, Virginia 22030

If to Purchaser: McGraws Corner, LLC  
Attn: Mr. Clifford C. Blasius Jr.  
10544 Knollwood drive  
Manassas, VA 20111  
Fax 703 257-1192  
Email: [ccblasius@yahoo.com](mailto:ccblasius@yahoo.com)

with copy to: Glenn H. Silver, Esquire  
10621 Jones Street, Suite 101  
Fairfax, Virginia 22030  
Fax: 703 591-5618  
Email: [ctbqhs@aol.com](mailto:ctbqhs@aol.com)

19) Binding Effect. Except as otherwise noted herein, this Agreement shall be binding upon and inure to the benefit of, and be enforceable by the heirs, assigns, and legal representatives of the parties hereto.

20) Miscellaneous.

(a) Entire Agreement. This instrument contains the entire agreement between the parties hereto with respect to the transaction contemplated hereby and shall not be changed or terminated except by written amendment signed by all of the parties.



(b) Governing Law. This Agreement shall be construed and interpreted in accordance with, and the rights of the parties shall be governed by, the laws of the Commonwealth of Virginia.

(c) Separability. If any provision of this Agreement is held to be illegal, invalid or unenforceable under present or future laws effective during the term of this Agreement, such provision shall be fully severable; this agreement shall be construed and enforced as if such illegal, invalid or unenforceable provision had never comprised a part of this Agreement; and the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by the illegal, invalid or unenforceable provisions or by its severance from this Agreement. Furthermore, in lieu of each such illegal, invalid or unenforceable provision, there shall be added automatically as part of this Agreement a provision as similar in terms to such illegal, invalid or unenforceable provision as may be possible and legal, valid and enforceable.

(d) Headings. The headings contained in this Agreement are for reference purposes only and shall not in any way affect the meaning or interpretation of this Agreement.

(g) Counterparts. This Agreement may be executed in a number of counterparts and all counterparts executed by the parties together shall constitute one and the same Agreement and it shall not be necessary for each of the parties to execute the other counterparts thereof.

[Signature Page to Follow]



# Commonwealth of Virginia State Corporation Commission

11/02/12

LLCM3220

LLC DATA INQUIRY

09:02:22

LLC ID: S333578 - 5 STATUS: 00 ACTIVE STATUS DATE: 07/21/10  
LLC NAME: MCGRAWS CORNER, LLC

DATE OF FILING: 07/21/2010 PERIOD OF DURATION: INDUSTRY CODE: 0

STATE OF FILING: VA VIRGINIA MERGER INDICATOR:

CONVERSION/DOMESTICATION INDICATOR:

P R I N C I P A L O F F I C E A D D R E S S

STREET: 10544 KNOLLWOOD DR

CITY: MANASSAS STATE: VA ZIP: 20111-0000

R E G I S T E R E D A G E N T I N F O R M A T I O N

R/A NAME: CLIFFORD C BLASIUS JR

STREET: 10544 KNOLLWOOD DR

RTN MAIL:

CITY: MANASSAS STATE: VA ZIP: 20111-0000

R/A STATUS: 1 MEMBER/MANAGER EFF DATE: 07/21/10 LOC: 176 PRINCE WILLIAM

YEAR FEES PENALTY INTEREST BALANCE

12 50.00

(Screen Id:/LLC\_Data\_Inquiry)

PROPOSED ZONING TEXT AMENDMENT

Amend the Town's Zoning Ordinance to add certain definitions and to amend the Use Regulations for the B-1 Town Center District as follows:

**Add the following definitions to be inserted into the Code in proper alphabetical location.**

Crematory means a place where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.

Funeral home means a facility used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation where permitted by special use permit, and may include storage of caskets, funeral urns, and other related funeral supplies and the storage of funeral vehicles.

Mortuary shall mean a place for the storage of dead human bodies prior to their burial or where permitted by special use permit, cremation.

**Amend Sec. 58-177. - Use regulations.**

A building or land in the B-1 district shall be used exclusively for one or more of the following uses:

- (1) Apartments as ancillary uses on the second floor of structures designed for other commercial uses; not more than 40 percent of the gross floor area of any structure may be devoted to apartment use.
- (2) Banks, drive-in or otherwise, so long as driveway space shall be provided off the street for all vehicles waiting for drive-in service.
- (3) Bakeries occupying not more than 3,000 square feet of floor area, and provided all products produced on the premises shall be sold at retail on the premises.
- (4) Barbershops or beauty parlors.
- (5) Catering or delicatessen businesses.
- (6) Dry cleaning or pressing pickup stations or shops occupying not more than 3,000 square feet of floor area.
- (7) Florists' shops.
- (8) Nursery schools, child care centers, kindergartens.
- (9) Offices, general business or professional.

(10) Pet shops or dog beauty parlors, provided that any workrooms, cages or pens are maintained within a completely enclosed, soundproof building.

(11) Public uses, including post offices, utility company offices and libraries.

(12) Private clubs, lodges or meeting halls, not to include those of an adult nature.

(13) Restaurants, but not with drive-in or fast food restaurants.

(14) Shoe repair shops occupying not more than 3,000 square feet of floor area.

(15) Service stations (with major repairs under cover).

(16) Shops for the sale, service or repair of home appliances, office machines, electrical, television and radio equipment occupying not more than 3,000 square feet of floor area.

(17) Stores or shops for the conduct of retail business of new merchandise, including the sale of accessories, appliances, beverages, books, carpets, clothing, drugs, fabrics, food, furniture, garden supplies, groceries, hardware, hobby supplies, office supplies, paint, saddlery supplies, sporting goods, stationery, and similar stores, but not including adult bookstores or adult mini motion picture theaters; but no shop may occupy more than 3,000 square feet of floor area.

(18) Studios for artists, photographers, teachers, sculptors or musicians.

(19) Sale of antiques and collectibles.

(20) Nonprofit, community service organizations.

(21) Veterinary hospitals (small animal).

(22) Farmer's Market

(23) Mortuary, funeral home

**Amend Sec. 58-178. - Special uses.**

The following uses shall be permitted in the B-1 district with a special use permit:

(1) Estate/liquidation auction sale.

(2) Outdoor craft and/or antique shows/sales.

(3) Parades.

(4) Carousels; games (as defined in section 14-9).

(5) Secondhand retail sales.

(6) Wire line telecommunications services not to exceed 5,000 square feet.

(7) Mobile office/classroom shall only be permitted with a special use license with the following restrictions:

a. For use as a classroom for a period of one year and must reapply for a special use permit for each additional year thereafter;

b. For use as an office for a period of six months and must reapply for an additional six months, with one year being the maximum for an office.

(8) Crematory.

**RESOLUTION OF THE HAYMARKET TOWN COUNCIL INITIATING  
CONSIDERATION  
OF PROPOSED ZONING TEXT AMENDMENTS**

WHEREAS certain amendments have been proposed to the Zoning Ordinance of the Town of Haymarket, Virginia, with respect to the provisions of the B-1 Commercial District, to add certain definitions relating to funeral homes or mortuaries, and to amend §§ 58-177 and -178 to permit such uses in that District, and

WHEREAS, the Town Council has determined pursuant to the provisions of Va. Code Ann. § 15.2-2286(A)(7) and § 58-422 of the Town's Zoning Ordinance that the public necessity, convenience, general welfare, and good zoning practices require due consideration of the merit of those proposed amendments,

NOW, THEREFORE BE IT RESOLVED that pursuant to the foregoing authority and provisions of the Haymarket Town Zoning Ordinance, the Town Council does hereby initiate consideration of the said amendments, in the form attached hereto and incorporated herein by reference and refers those proposed amendments to the Town Planning Commission for its recommendation thereupon, pursuant to law.



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TO: Town of Haymarket Town Council

SUBJECT: Temporary Occupancy Request

DATE: 11/13/12

---

Temporary Occupancy Request 6612 James Madison Highway (Lombardozi), 6630 James Madison Highway (Rose)

**ATTACHMENTS:**

- For Agenda 11-13-2012 Temporary Occupancy - Rose and Lombardozi Properties (PDF)





**TO:** MAYOR AND TOWN COUNCIL

**FROM:** GENE SWEARINGEN

**SUBJECT:** REQUEST FOR TEMPORARY OCCUPANCY – HAYMARKET INDUSTRIAL PARK  
6612 JAMES MADISON HIGHWAY, 6630 JAMES MADISON HIGHWAY

**DATE:** 11-13-12

**CC:** STAFF

**Terrance O’Grady and John Lombardozi have submitted a proposal to permit temporary occupancy within their respective properties during review of requisite site plans / site plan amendments for each property.**

#### BACKGROUND

As described in the attached narrative, the two property owners propose to relocate Synder Baseball from 6612 James Madison Highway (“Lombardozi Building”) to 6630 James Madison Highway (“Rose Building”). Existing tenants within the Lombardozi building would expand into the space vacated by Synder Baseball. An interim parking plan identifies parking within a shared access easement between the two buildings for use by Synder Baseball and existing tenants within the Rose Building. As noted in the attached email from staff to the property owners, both properties require improvements in conjunction with the proposal. Temporary occupancy of both buildings would be conditioned upon the property owners’ compliance with the Town’s Ordinance within a defined period of time.

The subject properties (Haymarket Industrial Park) are zoned I-1. Recreation, commercial, indoor, fitness and sports activities are permitted “by-right” within the I-1 Zoning District (Section 58-257(16)).

Within the I-1 Zoning District, a change of use from a previous user (i.e. storage warehouse to indoor recreation facility) and/or material amendments to an existing site plan requires preparation a site plan / site plan modification in accordance with Article III of the Zoning Ordinance (Site Plan Requirements). Preparation of such plan would evaluate compliance of the proposal with the development requirements of the Zoning Ordinance to include vegetative screening / buffering standards, height/setback/lot coverage requirements, and parking.

## REVIEW AND RECOMMENDATION

Town staff, Councilwoman Bare (Planning Commission Liaison), and Planning Commission Robert Weir have reviewed the proposal and provided recommendations regarding improvements that would be required to accommodate the temporary occupancy and provide adequate parking (see attached staff email and applicant narrative). It is recommended that the Town Council consider the proposal

## DRAFT MOTION(S)

Staff is preparing a draft motion subject to the conditions described in the attached material. A draft motion will be forwarded to the Town Council prior to the November 13 Town Council meeting.

*Law Offices of  
Paul Terrence O'Grady  
Attorney at Law*

*131 East Broad Street  
Falls Church, Virginia 22046  
703 534-5744  
Fax: (703) 534-6704  
Email: ogradypt@aol.com*

November 1, 2012

*Paul Terrence O'Grady*

Honorable David Leake  
Mayor, Town of Haymarket  
P.O. Box 1230  
Haymarket, VA 20168

RE: Haymarket Industrial Park

Dear Mayor Leake,

You may recall the subject site as the home of R&G Reload. It consists of two parcels. The front parcel (2.3436 acres) was the long time home of Alibi Caterers and Cameron Plumbing. It is now occupied by A la Carte Caterers. It also contains a one acre piece along Route 15 which was used by R&G. The back parcel contains the Rose Roofing warehouse, its side yard and a railway spur. It is owned by Rose Investments, LLC and consists of 1.9254 acres.

Formerly R&G Reload brought lumber in by train unloading on the property's spur, storing it both inside the warehouse and elsewhere on the site. It then reloaded the lumber as needed for delivery to housing subdivisions in the area. Pulte Home was a significant consumer. During 2002 and 2003 the Frogale family who owned the property envisioned a two story office building on the front parcel. It went ahead, obtained an approved site plan for its construction and completed an extended detention dry pond storm water management facility. The plan was then put on "hold". William R. Rose III purchased the property in May, 2004, but passed away in January, 2007. The family does not intend to pursue the office building site plan at this time. Rose Roofing, Inc., operated by William R. Rose IV, occupies 7,000 square feet in the rear portion of the warehouse. De Rana, Inc. (garage door specialists) occupies another 5,000 square feet. The balance, 11,900 square feet, in the warehouse and the one acre front parcel has been vacant since R&G left. The loss has had a substantial adverse economic effect on Rose Investments, LLC. Two potential tenants extensively negotiated for the space yet both fell through.

Adjacent to the Rose warehouse is the warehouse property owned by John Lombardozi. It houses his Signature Woodcrafters, Saddlery Liquidators, Jump-N-Jimmy's, Next Level Fitness, and Snyder Baseball. Both properties are accessed from Route 15 by a joint easement running between A la Carte and the vacant one acre parcel and then down between the warehouses.



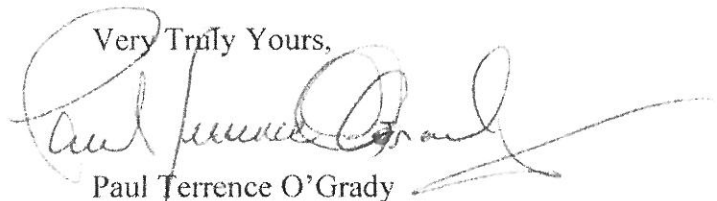
The proposed use before the Council is to move Snyder Baseball next door to the vacant (11,900 square feet) Rose Investments space. Mr. Lombardozi would then expand the present uses in his warehouse.

Long range planning is complicated and frustrated by VDOT's I-66/Route 15 improvements and access management plan. It affects the subject property by the proposed taking of the vacant acre next to A la Carte and in front on Mr. Lombardozi's property. It likewise will only allow access to the A la Carte building from a newly designed entrance. It requires any A la Carte patron to drive around the back of the building and up into its parking in front and return by the same route. That path remains to be designed. Its effect on both the front and rear parcels is purely conjectural at this point.

It is proposed that the Council see fit to waive a formal fully realized site plan submission at this time and approve an interim plan illustrated by the accompanying drawings. The Interim Parking Plan includes parking in the easement between the buildings sufficient for the recreation use. It demonstrates that the recreation use can be parked by utilizing both parking spaces on the Rose side of the ingress-egress easement and "offsite" parking spaces on the Lombardozi side of the ingress-egress easement. Parking in the easement has the virtues of close proximity and paving.

It is specifically requested that the Council allow "temporary occupancy" before the Town requires a final site plan submission for review. The owner of the Rose building shall promptly submit a preliminary plan prior to temporary occupancy and diligently pursue design of the final site plan and construction once the final site plan is approved. That waiver would allow a final plan to dovetail and be in harmony with the changes required by the VDOT I-66/Route 15 Interchange Access Management Plan. It also provides the Town with a much improved site which includes a substantial community enhancing facility for teenage recreation. Indeed we submit that this use is preferable to other permitted uses requiring less parking and few site improvements. Your favorable consideration will be appreciated.

Very Truly Yours,



Paul Terrence O'Grady  
Attorney and Agent  
for Rose Investments, LLC

**From:** schneider, marchant [Marchant.Schneider@loudoun.gov]  
**Sent:** Thursday, November 01, 2012 3:50 PM  
**To:** sdusza@rdacivil.com  
**Cc:** mschneider  
**Subject:** FW: Haymarket Industrial Park - Temporary Tenant Occupancy Proposal to Town Council

Sharon:

I apologize for the delay.

I'm having difficulty sending email remotely through the Town website. Please forward the below message to Terry, John, and Rob. Thank you.

Marchant

All:

Town staff has agreed to recommend to the Town Council the below scenario in order to permit temporary occupancy both at 6612 James Madison Highway (Lombardozi building) and 6630 James Madison Highway (Rose building). Please note this is contingent upon the Town Attorney's review and Town Council's approval. *Should the Council choose not to allow temporary occupancy, the standard minor site plan modification / site plan process will need to be completed prior to any future occupancy of either building.*

For the November Council Meeting the following materials are required (DUE COB NOVEMBER 2):

1. Interim parking plan for both properties.
2. Draft amended access easement language.
3. Narrative describing the proposal (i.e. Terry's letter).
4. Written correspondence from both property owners and/or representatives addressed to the Town Council requesting temporary occupancy and stating they will comply with the Town Council's requirements should temporary occupancy be granted for each building.

*NOTE: It is recommended that both property owners contact the building inspector (Jim Lowry) regarding required building renovations to accommodate the tenants.*

6612 James Madison Highway - Lombardozi Property

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 addressing the items listed below (See Section 58-510). *Site improvements required by the minor modification shall be completed within 6 months of Town Council approval of the minor site plan modification. Said minor modification application will be forwarded to VDOT for review. 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 violation notice will be issued to the property owner and tenant.*

1. Revised building square footage and revised parking tabulations to account for the expansion of Next Level Fitness (i.e. the juice bar area).
2. 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.
3. 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).
4. Dumpster locations for all dumpsters and screening as necessary.
5. Additional site lighting as necessary for public safety.
6. RECOMMENDED: Describe any future plans to enclose existing loading areas at the rear of the building and amend the parking tabulations accordingly.

*NOTE: 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.*

#### 6630 James Madison Highway - Rose Building

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. *The Final Site Plan shall be submitted 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 violation notice will be issued to the property owner and tenant.*

1. Striping of parking areas / handicapped parking areas identified on the interim parking plan within the shared access easement.

2. Building inspector requirements for tenant upfit.
3. Clean up and/or screening of outdoor storage building materials / equipment stored on the property.

Please let me know if you have any questions regarding the above.

Marchant

*Marchant Schneider, Town Planner*

*PO Box 1230*

*Haymarket, Virginia 20168*

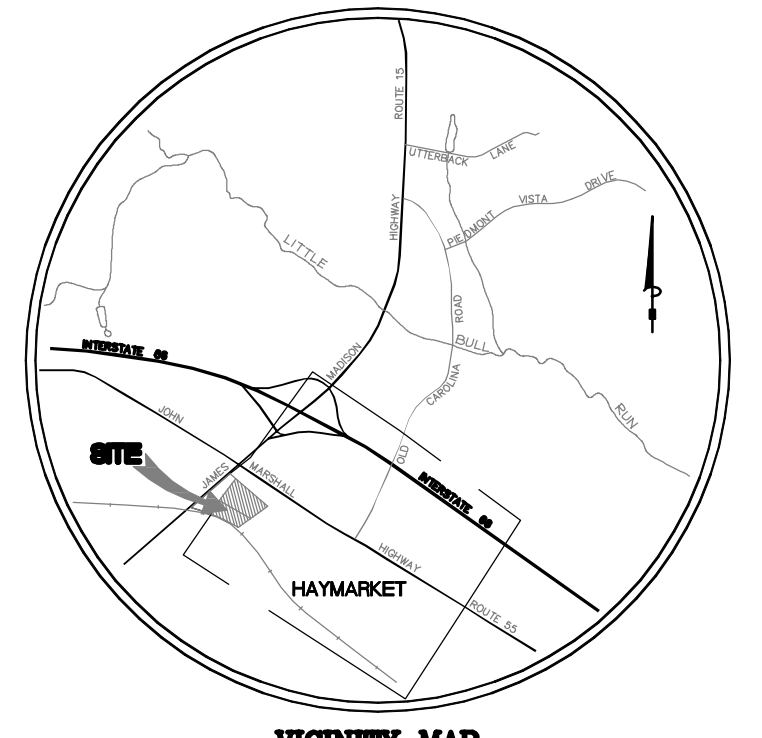
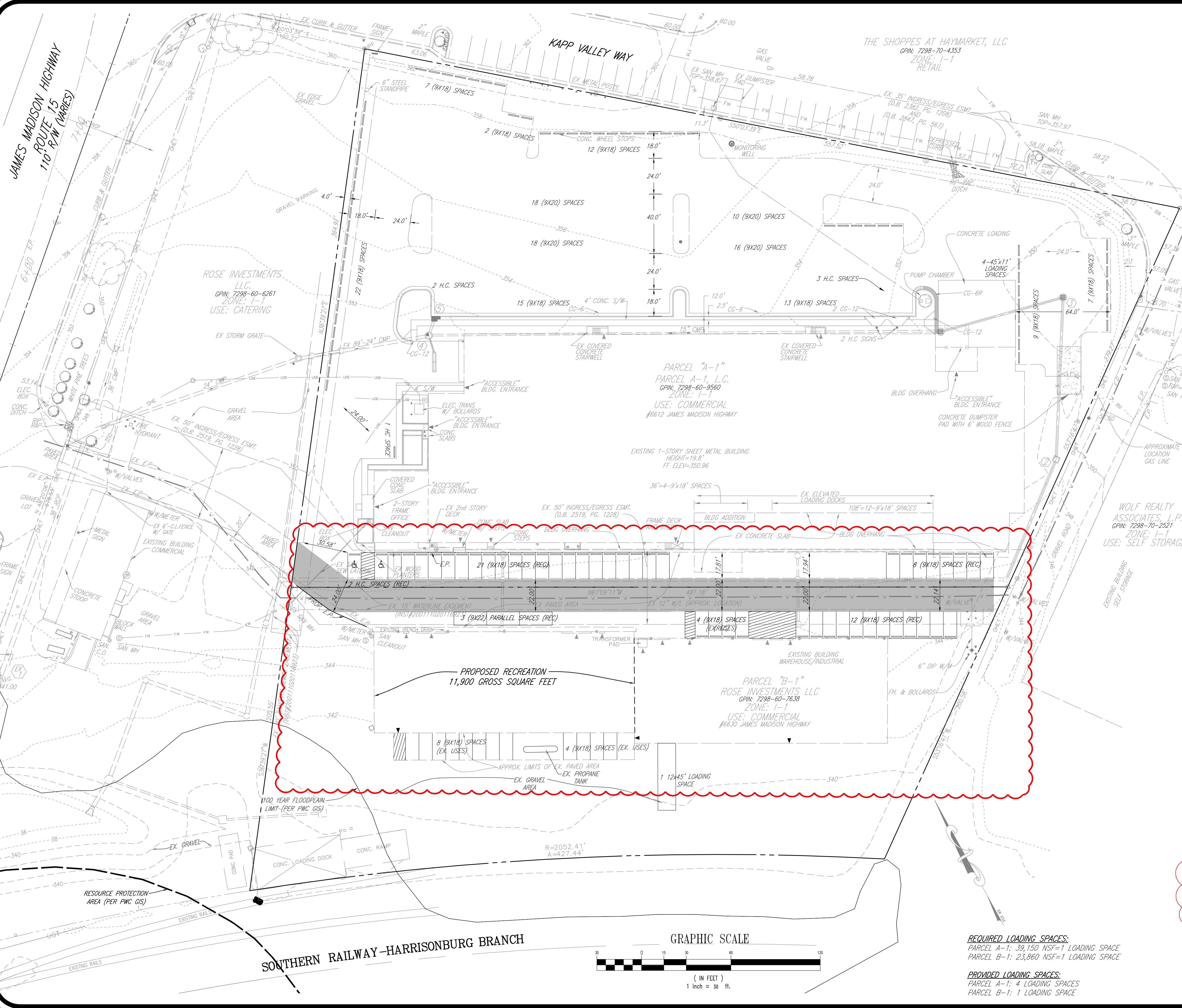
*[703-753-2600](tel:7037532600)*

*[703-753-2800](tel:7037532800) Fax*

*[www.townofhaymarket.org](http://www.townofhaymarket.org)*







**INTERIM PARKING TABULATION FOR PARCEL A-1 AND RECREATION USE ONLY ON PARCEL B-1**

**PARKING REQUIREMENTS (PER Z.O. SEC. 58-11):**  
**OFFICE:** 1 SPACE PER 200 NET SQUARE FEET  
**RETAIL:** 1 SPACE PER 200 NET SQUARE FEET  
**WAREHOUSE:** 1 SPACE PER EMPLOYEE PLUS 5 SPACES (USING PWC DCSM SINCE TOWN OF HAYMARKET DOES NOT HAVE A WAREHOUSE STANDARD)  
**RECREATION:** 1 SPACE PER 200 NET SQUARE FEET

**PARCEL A-1 USES:**  
 CURRENT AND PROPOSED USES ON PARCEL A-1 REMAIN THE SAME  
**OFFICE:** 13,000 GSF (9,750 NSF)  
**RETAIL:** 3,000 GSF (2,250 NSF)  
**WAREHOUSE:** 16,200 GSF (12,150 NSF)  
**RECREATION:** 20,000 GSF (15,000 NSF)

**REQUIRED PARKING:**  
**PARCEL A-1:**  
**OFFICE:** 13,000 GSF X 0.75 = 9,750 NSF  
 9,750 NSF/200 = 49 SPACES  
**RETAIL:** 3,000 GSF X 0.75 = 2,250 NSF  
 2,250 NSF/200 = 11 SPACES  
**WAREHOUSE:** 3 EMPLOYEES + 5 SPACES = 8 SPACES  
**RECREATION:** 20,000 GSF X 0.75 = 15,000 NSF  
 15,000 NSF/200 = 75 SPACES

**TOTAL PARKING REQUIRED FOR PARCEL A-1: 143 SPACES**  
**PROPOSED PARKING:**  
**PARCEL A-1:**  
 155 SPACES (EXCLUDING INGRESS/EGRESS EASEMENT)  
 INCLUDING: 149 STANDARD SPACES  
 3 ADA ACCESSIBLE SPACES  
 3 ADA VAN ACCESSIBLE SPACES  
 6 HC SPACES REQUIRED FOR BETWEEN 151-200 SPACES

**PARCEL B-1 USES (PROPOSED RECREATION USE ONLY):**  
**OFFICE:** 2,000 GSF (1,500 NSF)  
**RECREATION:** 9,900 GSF (7,425 NSF)

**EXISTING PARCEL B-1 USES:**  
**OFFICE:** 1,394 GSF (1,046 NSF)  
**WAREHOUSE:** 10,566 GSF (7,925 NSF)

**REQUIRED PARKING:**  
**PARCEL B-1 (RECREATION USE ONLY):**  
**OFFICE:** 2,000 GSF X 0.75 = 1,500 NSF  
 1,500 NSF/200 = 8 SPACES  
**RECREATION:** 9,900 GSF X 0.75 = 7,425 NSF  
 7,425 NSF/200 = 37 SPACES

**PARKING REQUIRED FOR PARCEL B-1 (RECREATION ONLY): 45 SPACES**

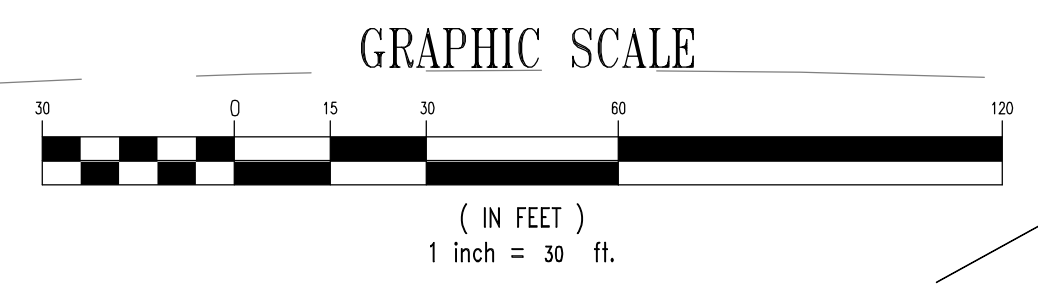
**PARCEL B-1 (EXISTING USES ONLY):**  
**OFFICE:** 1,394 GSF X 0.75 = 1,046 NSF  
 1,046 NSF/200 = 5 SPACES  
**WAREHOUSE:** 5 EMPLOYEES + 5 SPACES = 10 SPACES  
**PARKING REQUIRED FOR PARCEL B-1 (EXISTING USES ONLY): 15 SPACES**

**TOTAL PARKING REQUIRED FOR PARCEL B-1: 60 SPACES**

**PROPOSED PARKING:**  
**PARCEL B-1 (PROPOSED RECREATION USE ONLY):**  
 46 SPACES WITHIN INGRESS/EGRESS EASEMENT  
 INCLUDING: 44 STANDARD SPACES  
 2 ADA VAN ACCESSIBLE SPACES  
 2 HC SPACES REQUIRED FOR BETWEEN 25-50 SPACES

**PARCEL B-1 (EXISTING USES ONLY):**  
 4 SPACES WITHIN INGRESS/EGRESS EASEMENT  
 12 SPACES ON PARCEL B-1 SOUTH OF EXISTING BUILDING  
**TOTAL PARKING PROVIDED FOR PARCEL B-1 (EXISTING USES ONLY): 16**  
**TOTAL PARKING PROVIDED FOR PARCEL B-1: 62 SPACES**

**REQUIRED LOADING SPACES:**  
 PARCEL A-1: 39,150 NSF = 1 LOADING SPACE  
 PARCEL B-1: 23,860 NSF = 1 LOADING SPACE  
**PROVIDED LOADING SPACES:**  
 PARCEL A-1: 4 LOADING SPACES  
 PARCEL B-1: 1 LOADING SPACE



**Rinker Design Associates, P.C.**  
 9345 Discovery Boulevard, Suite 200, Manassas, VA 20108 Telephone: (703) 368-7373 Fax: (703) 257-5443  
 on the web @ www.rdaenv.com  
**Engineering \* Surveying \* Land Planning \* Transportation \* Environmental Services**  
**"Turning Challenges into Opportunities"**

**INTERIM PARKING PLAN**

**HAYMARKET INDUSTRIAL PARK**  
 PARCEL A-1 AND B-1  
 TOWN OF HAYMARKET, VIRGINIA

REVISIONS:

DATE:	NOVEMBER 2, 2012
SCALE:	1"=30'
DESIGN:	MMS, SDD
DRAFT:	MMS
CHECKED BY:	SDD
ARCH:	N/A
JOB NUMBER:	01-112-MD
SHEET:	1 OF 1

Attachment: For Agenda 11-13-2012 Temporary Occupancy - Rose and Lombardo Properties (1198 - Temporary Occupancy Request)

Packet Pg. 72



*Law Offices of  
Paul Terrence O'Grady  
Attorney at Law*

*131 East Broad Street  
Falls Church, Virginia 22046  
703 534-5744  
Fax: (703) 534-6704  
Email: ogradypt@aol.com*

*Paul Terrence O'Grady*

November 1, 2012

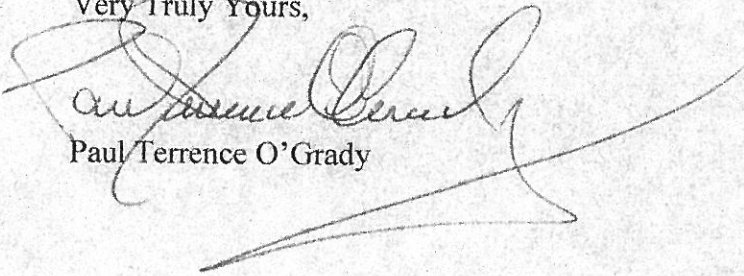
Honorable David Leake  
Mayor, Town of Haymarket  
P.O. Box 1230  
Haymarket, VA 20168

Dear Mayor Leake,

As authorized agent and attorney for Rose Investments, LLC this is to formally request temporary occupancy permission for the Snyder Baseball Academy in our warehouse premises located at 6628 James Madison Highway, Haymarket, VA. The details are more fully set out in a letter addressed to you of even date hereto. Should the Town Council see fit to grant our request for temporary occupancy I represent to the Honorable Town Council that Rose Investments, LLC will comply with such conditions and requirements as the Council may impose in connection with the temporary occupancy and the transition to permanent occupancy.

Your consideration and the assistance of the Town staff in this matter is acknowledged and appreciated.

Very Truly Yours,

  
Paul Terrence O'Grady

# SIGNATURE COMPANIES

November 1, 2012

Honorable David Leake  
Mayor, Town of Haymarket  
P.O. Box 1230  
Haymarket, VA 20168

Dear Mayor Leake,

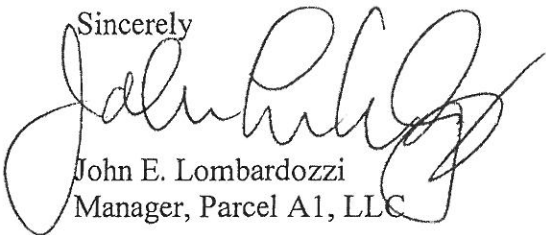
As the Owner Manager of Parcel A1, LLC located at 6612 James Madison Highway, this letter is to formally request temporary occupancy permission for Next Level Training and Jump-in Jimmy's to occupy the space which shall become vacant upon the relocation of Snyder Baseball Academy (subject to Town Council approval) to warehouse premises located at 6628 James Madison Highway, Haymarket, VA.

The details of the Snyder Baseball Academy relocation are more fully set out in a letter addressed to you by Paul Terrance O'Grady dated November 1, 2012.

Should the Town Council see fit to grant our request for temporary occupancy I represent to the Honorable Town Council that Parcel A1, LLC will comply with such conditions and requirements as the Council may impose in connection with the temporary occupancy and the transition to permanent occupancy.

Your consideration and the assistance of the Town staff in this matter is acknowledged and appreciated.

Sincerely



John E. Lombardozi  
Manager, Parcel A1, LLC

**AMENDMENT TO  
DECLARATION OF RECIPROCAL EASEMENTS  
AND JOINT MAINTENANCE AGREEMENT**

This amendment by and between Parcel A-1, LLC to be indexed both as Grantor and Grantee successor in interest and title to Prince William Supply Corporation *and* Rose Investments, LLC, a Virginia Limited Liability Company to be indexed both as Grantor and Grantee successor in interest and title to Annandale Millwork Corporation for good and valuable consideration declare and grant for the mutual use and benefit of the owners of the parcels subject to the original agreement the following amendment to Declaration of Reciprocal Easements and Joint Maintenance Agreement of their predecessors in title made and entered into by them on the 24<sup>th</sup> day of March, 1998, and recorded in the land records of Prince William County, Virginia in Book 2550, Page 283.

**RECITALS**

R-1. Parcel A-1, LLC is the owner of a parcel of property known as Parcel A-1 as the same is shown on a plat dated November 14, 1997 showing an adjustment of the common property line of Prince William Supply Corporation and Annandale Millwork Corporation (“Plat”) and recorded in Deed Book 1196, Page 1421, among the land records of Prince William County.

R-2. Rose Investments, LLC is the owner of two parcels known as Parcel B-1 and C as the same is shown on the Plat.

R-3. The location of an “Access Easement” is shown on the plat as “50” Ingress/Egress Esm’t Hereby Granted” providing for a non-exclusive easement on, over, across and through the property for pedestrian and vehicular ingress, egress and right of passage across, through and between the parcels within the property.

R-4. However, the parties now are undertaking an agreement by which an entity related to Parcel A-1, LLC and Snyder Baseball Academy shall enter into a lease agreement with



Rose Investments, LLC whereby the former will become tenant of the latter. Given the intensity of the use and the incomplete status of the “site plan” pertaining to Parcel B-1, the Town of Haymarket has approved an interim plan whereby parking in the easement for the use of the Snyder Baseball Academy tenant shall be permitted pursuant to the Interim Parking Plan drafted by Rinker Design and Associates dated \_\_\_\_\_ and attached hereto as Exhibit A. It is further required by the Town of Haymarket that as a condition of the allowing occupancy by the Snyder Baseball Academy and the off site temporary parking plan that on or before temporary occupancy shall be allowed Rose Investments, LLC shall submit a Preliminary Site Plan Application and complete certain improvements. A final site plan shall be submitted within six 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 twelve months of the Town Council approval of the final site plan. All parking for the Baseball Academy shall be accommodated in the easement until construction pursuant to the final site plan is accomplished. Thereafter it is anticipated that the Town Council shall allow thirty spaces of off site parking for the Baseball Academy use in the easement. The balance of its parking and the parking for the other tenant uses in the Rose Investments Warehouse shall be provided on parcel B-1.

Now Therefore, Declarants hereby declare as follows:

1. **Grant of Parking Privileges:** Declarants hereby declare and agree that parties hereto, the tenant, Snyder Baseball Academy, its employees, customers or invitees shall be permitted parking in designated spaces consistent with the recitals above and set out in the attached Interim Parking Plan, Exhibit 1 to this Agreement until such time as parking has been constructed in accord with an approved final site plan by the Town of Haymarket for Parcel B-1. Thereafter, thirty spaces shall be provided and designated by the parties for parking in the easement for the use of Snyder Baseball Academy for the life of any lease of which Snyder Baseball Academy and Rose Investments LLC are a party pertaining to the use of the Rose Investments warehouse space for the Snyder Baseball Academy. Thereafter this

amendment shall expire unless further extended or otherwise amended by the mutual agreement of the parties.

2. **No Further Modifications:** Declarants hereby declare and agree that except as modified and changed by this Amendment we ratify, confirm and republish the Declaration as stated.

**SIGNATURES AND SEALS ON THE FOLLOWING PAGE**



Rose Investments, LLC

Parcel 1A, LLC

By \_\_\_\_\_  
Title

By \_\_\_\_\_  
Title

STATE OF VIRGINIA  
COUNTY OF \_\_\_\_\_, to wit:

The foregoing instrument was acknowledged before me in my aforesaid jurisdiction by \_\_\_\_\_ as \_\_\_\_\_ Parcel 1A, LLC this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public

STATE OF VIRGINIA  
CITY OF FALLS CHURCH, to wit:

The foregoing instrument was acknowledged before me in my aforesaid jurisdiction by \_\_\_\_\_ as \_\_\_\_\_ Rose Investments, LLC this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public

Attachment: For Agenda 11-13-2012 Temporary Occupancy - Rose and Lombardozzi Properties (1198 : Temporary Occupancy Request)



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TO: Town of Haymarket Town Council

SUBJECT: Police Report

DATE: 11/13/12

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Updated Police Report

**ATTACHMENTS:**

- Police Dept Report and Stats (PDF)

**Town Police Statistics for  
July, August, September 2012**

<b>Activity</b>	<b>July</b>	<b>August</b>	<b>September</b>	<b>Total</b>
<b>Mileage</b>	<b>5187</b>	<b>3599</b>	<b>4886</b>	<b>13672</b>
<b>Warning Tickets</b>	<b>46</b>	<b>43</b>	<b>32</b>	<b>121</b>
<b>Parking Tickets</b>	<b>4</b>	<b>4</b>	<b>32</b>	<b>40</b>
<b>Uniform Traffic Summons</b>	<b>97</b>	<b>91</b>	<b>167</b>	<b>355</b>
<b>Criminal Felony</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>Criminal Misdemeanor</b>	<b>6</b>	<b>8</b>	<b>15</b>	<b>29</b>
<b>Reports</b>	<b>12</b>	<b>23</b>	<b>16</b>	<b>51</b>
<b>Complaints</b>	<b>340</b>	<b>431</b>	<b>403</b>	<b>1174</b>
<b>Accidents</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>3</b>
<b>Hours Worked</b>	<b>999</b>	<b>901.5</b>	<b>1176 (93 Auxiliary)</b>	<b>3076.5</b>

During the month of September the Haymarket Police Department participated in the following events:

September 15, 2012 Traffic and crowd control for Haymarket Day.

September 20, 2012 Deputy Chief Breeden and Officer Shaver assisted Stephens City Police Department for their annual Homecoming Parade.

September 26 & 27, 2012 Deputy Chief Breeden attended a Motorcycle class at the Middletown Academy.

September 29, 2012 The Annual Bicycle Rodeo took place from 9 am to 2 pm at the Fauquier Bank. Due to the generosity of the town businesses and the new Wal-Mart we were able to give 12 new bicycles and several consolation prizes away to the lucky

children who participated in this year's event. This was the 3<sup>rd</sup> year in a row that the bicycle rodeo was put on by the police department where there was no money used from the town's budget. The event was made possible solely by the generosity of the sponsors.

For the first time ever the Haymarket Police Department participated in the DEA National Drug Take Back Program on September 29, 2012 and collected 10 + pounds of prescription medications.

Criminal Stats for September 2012  
Haymarket Police Department

1. Domestic = 2
2. Foot Patrol = 5
3. Alarm calls = 2
4. Traffic Obstruction = 1 (Tree)
5. Suspicious Person = 6
6. Vehicle Crash = 1
7. Assist PWC = 8
8. Assist VSP = 7
9. DMV Enforcement = 3
10. Larceny = 1
11. Open Door = 1
12. Lockouts = 3 (Motorist lock keys in car)
13. Fight = 1
14. Motorist Assist = 5
15. Fraud = 1
16. Hit and Run = 1
17. Drug Transport = 1 (DEA Drug Takeback)
18. Warrant Service = 1
19. Disorderly = 2
20. Bicycle Rodeo = 5 PD staff members in attendance



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TO: Town of Haymarket Town Council

SUBJECT: Building Official Report

DATE: 11/13/12

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Jim Lowery will report on attached items.

**ATTACHMENTS:**

- Building Official 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:** 11/5/12  
**CC:** JENNIFER PRELI, TOWN CLERK

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1. Continuing inspections in Sherwood Forest, to include sewer line connections under Old Carolina Road under Jefferson Street.
2. Met with PWC Service Authority for inspections on new water/sewer line from Sherwood Forest to Hunting Path Lane.
3. Iceplex parking lot and exterior work is complete.
4. Met potential tenants onsite at Durham property.
5. Hullfish House renovations are complete and finalized.
6. Inspected and finalized new bakery in Red House Building.



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TO: Town of Haymarket Town Council

SUBJECT: Treasurers Report

DATE: 11/13/12

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Attached report for up-to-date financials.

**ATTACHMENTS:**

- Treasurers Report (PDF)

<b>EXPENDITURES</b>	<b>ADOPTED FISCAL YEAR 2013 BUDGET</b>	<b>AMENDED BUDGET THRU OCTOBER 2012</b>	<b>2ND QUARTER APPROPRIATIONS</b>	<b>2nd Qtr ACTUALS THROUGH 11/6/2012</b>
Capital Improvements & Repair	1,465,864	TCP 161,536		32,546.00
Council & Boards	34,000			2,355.00
Events	7,500		1,875.00	2,307.49
Museum	6,765		1,715.71	0.00
Operating Expenses	268,459		77,820.80	12,274.95
Public Safety	125,716		24,448.50	10,419.89
Public Works	129,489		32,372.25	9,770.46
Staff Wages & Benefits	777,978		190,744.50	65,645.37
Town Owned Property	345,674		86,418.50	3,436.41
General Reserves		236,384		0.00
<b>TOTAL EXPENSE</b>	<b>3,161,445</b>	<b>397,920</b>	<b>415,395.26</b>	<b>138,755.57</b>
<b>REVENUE</b>				
Development	1,235,562			28,786.00
Events/Other Town Activities	10,500			2,074.00
Operating	1,491,469			422,490.13
Public Safety	104,762			27,826.03
Tax Income/Individuals	319,152			20,721.87
Proffers		200,112		200,112.36
Prior Years/Town Surplus		197,808		
<b>TOTAL REVENUE</b>	<b>3,161,445</b>	<b>397,920</b>		<b>702,010.39</b>
				<b>Total Revenue to date</b>



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TO: Town of Haymarket Town Council

SUBJECT: Town Managers Report

DATE: 11/13/12

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Update from the Town Manager.

**ATTACHMENTS:**

- 11-13-2012 Town Manager's Report (DOC)




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INTEROFFICE MEMORANDUM

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**TO:** MAYOR AND TOWN COUNCIL  
**FROM:** GENE SWEARINGEN  
**SUBJECT:** TOWN MANAGER'S REPORT  
**DATE:** 11/13/2012  
**CC:** STAFF

---

#### Streetscape

Bids for the construction phase were due November 6. Staff has begun evaluating the bids. The staff will also provide an update on the status of the project.

#### Pedestrian Signals at Washington and Jefferson Streets

The signals have been installed.

#### Washington Street Striping

VDOT agreed to eradicate and replace the striping from Fayette Street west to correct the incorrect placement of the lane lines and to put the white line for the bike lane back in front of Giuseppe's. The tentative striping location has been marked and we have confirmed with VDOT that the town agrees with the new layout. VDOT has not provided a time frame for the striping change.

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

The Town received four proposals from Architectural/Engineering firms in response to the RFP advertised for this project. Staff is developing a matrix to evaluate the proposals against the criteria in the RFP. Staff requests that the Town Council appoint a Council representative(s) to the Short List Committee. That Committee will conduct the short-list evaluations and make a final recommendation to Town Council.



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TO: Town of Haymarket Town Council

SUBJECT: Attiva Corporation

DATE: 11/13/12

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Gerry Kennedy would like to meet in closed session with the Town Council regarding the Contract with Spend The Day in Haymarket.





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TO: Town of Haymarket Town Council  
SUBJECT: Streetscape Settlement Agreement  
DATE: 11/13/12

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We have received a settlement offer from one of the Streetscape property owners. The offer will need to be discussed in closed session at the November Council meeting.