

Town Council Meeting of 01-11-2011
15000 Washington Street~Haymarket, Virginia 20169
Mayor Pamela E. Stutz

Mayor Stutz is absent this evening due to illness, Vice Mayor John Cole presides

Vice Mayor Cole calls the meeting to order at 7:00 p.m.

Cole expresses the sad loss of Alan Gossom and offers his condolences to the family and any assistance the Town can give if there is a need.

Weir motions to amend the agenda to add resolution #11-0111-1 regarding HB1721 Urban Density Area designations in comprehensive plans (*provides for an exception for Towns with a population less than 3,500*), for discussion and consideration, Tobias seconds;

Ayes: 6

Nays: 0

Roll Call: Brinson, Tobias, Cole, Scarbrough, Kenworthy, Weir, Stutz-Absent

Planning Commission Public Hearings

Chairman Bare opens the public hearings

Roll Call: Bare, Ivancic, Weir, Graham, Jarboe-Absent

- **Alexandra's Keep Special Use Permit #SUP20101201 (Change of Elevations)**
Alexandra's Keep Way
1st Call in favor, 2nd Call, 3rd Call
1st Call opposed, 2nd Call, 3rd Call
No one spoke

- **Acqtel Realty Special Use Permit #SUP20101124 (In Home Business for 6937 Jockey Club Lane)**
1st Call in favor, 2nd Call, 3rd Call
1st Call opposed, 2nd Call, 3rd Call
No one spoke

Chairman Bare closes the public hearings

Bare moves to forward the Special Use Permit Application #SUP20101201 for Alexandra's Keep on to the Town Council with a recommendation of approval, Ivancic Bare-Yes, Ivancic-Yes, Weir-Yes, Graham-Absent, Jarboe-Absent

**Bare moves to forward Special Use Permit #SUP20101124 for Acqtel Realty with a recommendation of approval, Weir seconds;
Bare-Yes, Ivancic-Yes, Weir-Yes, Graham-Absent, Jarboe-Absent**

Weir moves to adjourn the special meeting of the Planning Commission, Bare seconds;

Ayes: 3

Nays: 0

Absent: Graham & Jarboe

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Town Council Public Hearings

Vice Mayor Cole opens the public hearings

- **Alexandra's Keep Special Use Permit #SUP20101201 (Change of Elevations)**
Alexandra's Keep Way
1st Call in favor, 2nd Call, 3rd Call
1st Call opposed, 2nd Call, 3rd Call
No one spoke

- **Acqtel Realty Special Use Permit #SUP20101124 (In Home Business for 6937 Jockey Club Lane)**
1st Call in favor, 2nd Call, 3rd Call
1st Call opposed, 2nd Call, 3rd Call
No one spoke

The Town Manager has spoken with the Town Attorney and he is recommending holding the public hearing open until the continuation meeting....

Citizen's Time

No one speaks

Minutes

Tobias motions to approve the minutes of December 6, 2010, Kenworthy seconds;

Ayes: 6

Nays: 0

Abstain: Scarbrough

Weir motions to defer any action on the Special Use Permit renewals for #SUP20091116 (ChemSurvival) and #SUP20091105 (Arctic Sun Heating & Air) to the January 24 continuation meeting, Cole seconds;

Ayes: 6

Nays: 0

Cole moves to set continuation meeting to January 24, 2011, Weir seconds;

Ayes: 6

Nays: 0

Weir moves to instruct the clerk to advertise a joint public hearing for Arctic Sun & ChemSurvival for the continuation meeting of January 24, 2011, Tobias seconds;

Ayes: 6

Nays: 0

Tobias moves to approve the business license applications for Munday Construction, Inc. to be located at 14950 Washington Street, #200 & D.R. Horton as an out of Town Contractor, Kenworthy seconds;

Ayes: 6

Nays: 0

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Tobias moves to defer MDS Ice Sports business license application to the continuation meeting, Weir seconds;

Ayes: 6

Nays: 0

Building Official

- Recommendation is to demolish the gray house that it is a hazardous condition and unsafe to the public. Tobias asks if he has reviewed the bids. Tobias asks if the contractor is qualified, Lowery attests that based on his own experience with the contractor they are very qualified.
- Weir asks about the house at 6707 Fayette Street. The front porch needs securing.
- Rose property on Route 15 has been leasing their property to several different businesses. The exterior inspection have not built the exterior stair cases, they have paved. All things are going well.

Street-scape Update

- Staff is moving ahead with all property owners. The Town will require the special services of a Condemnation Attorney. Any expense that we incur as a result of condemnation cannot be reimbursed under the federal grant. The Town will require his services to file certificates. Council would like to have a budget number on the condemnation attorney.
- The Town Manager has met with Burgess & Niple. They are not able to complete some of the plans that will need to be done in the final stages. We can either look for another Engineering firm or we can stay retained with B&N and they will subcontract it out, possibly to Rinker Design.
- Status of acquisitions – the Church must go to court to make this decision, legally. Negotiations seem to be moving along with the exception of 1 or 2 property owners

Police Report

- How is the accreditation coming along, Cole thanks the Chief for his summary regarding the accreditation process.
- Weir asks about the vehicle that was seized in a drug arrest. Has it been turned over to the Town? Chief responds yes, that it has been turned over. Weir asks how much is needed to put it on the road. Tobias asks the Town Manager if he could use the vehicle the staff here at Town Hall. Cole asks if \$1,000 would cover getting the vehicle ready, Chief responds yes.

Tobias motions to appropriate up to \$1,000 from the 3.5% Reserve line item to get the seized vehicle road ready, Weir seconds;

Roll Call Vote:

Brinson-Yes, Tobias-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes

Brinson saw an officer giving a ticket on I-66, he asks if that is customary and does it conflict with the State Police, Chief responds no.

Chief requests funding to fix up the Police Department Paint, Carpet, build a wall. He will bring the request to Council at the February meeting.

Tobias explains that doors and locks should come from the already appropriated "move" budget.

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Brinson expresses concern over appropriating funds without knowing actual estimates. Also he is concerned that as the Chief, he should not do any of the contracting work during his normal working hours.

Treasurer's Report

Tobias motions to move \$8,858 from Insurance Liability line item back to the 3.5% reserves, Weir seconds;

Tobias explains the action to Brinson

Brinson-Abstain, Tobias-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes

Tobias motions to budget & appropriate \$5,000 from 3.5% Reserve to Storm Water Management Plan review and inspections, Weir seconds;

Discussion: Brinson asks for backup on where the \$5,000 estimate comes from

Roll Call Vote: Brinson-Yes, Tobias-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes

Tobias motions the following 3rd Quarter Budget Appropriations:

Totals are for each main category; however each one should be broken down appropriately.

Museum: \$3,019.75

Operating: \$55,324.00 **includes \$1,350 from audit expense line item so that we can pay the complete audit bill at once

Public Safety: \$17,177.50

Public Works: \$27,725.00

Town Center Property: \$37,276.25

Weir seconds;

Roll Call Vote:

Brinson-Nay, Tobias-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes

Town Manager's Report

- Surface Transportation funding was provided from Congressman Connolly. In order to begin incurring expenses we have to have the contract signed. Weir suggests that we defer this matter. There is currently a bill before the General Assembly that could change how we contract with VDOT. There is no push to get this signed; however, we cannot spend any monies until the contract is signed. **Add as an agenda item for Weir to discuss at continuation meeting.
- Will present some changes to how the Town Hall is rented. There are concerns about permanent stains in the carpet, etc...**Tobias would like to know numbers on which groups are actually in Town as opposed to out of town
- We have a wireless phone system, it has no security. He obtained 3 bids ranging from \$2,500 - \$3,500.

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ARB Liaison Appointment

Tobias moves to appoint Councilwoman Scarbrough as Council liaison to the Architectural Review Board for the term corresponding with her Council term (through June 30, 2012, Weir seconds;

Ayes: 6

Nays: 0

Winterham & Bloom Bonds

Bloom Building has no outstanding violations on the site plan.

Winterham Property has outstanding issues. Weir asks if they are they doing anything to remediate. The street lights took a bit longer. Defer matter to the February meeting.

Resolution 11-0111-1

Currently the State Code requires all jurisdictions to create urban density areas and modify comprehensive plans accordingly. Weir has spoke with Delegate Marshall and informed him that it created various issues for the Town, ie...lack of staff and would cost us a substantial sum of money. HB 1721 would allow the Town to opt out of this requirement due to its population.

Council resolves the following in a motions by Tobias, seconded by Kenworthy

WHEREAS, the Delegate Robert G. Marshall has offered House Bill No. 1721 (HB 1721); and

WHEREAS, HB 1721 amends section 15.2-2223.1 of the Code of Virginia, making incorporation of urban development areas optional rather than mandatory; and

WHEREAS, the current provisions of 15.2-2223.1 require additional professional staff to draft, enact and enforce the requirements of the subsection; and WHEREAS, the Town of Haymarket would have to expend a substantial amount of its limited resources to engage such professional staff; and

WHEREAS, the Town of Haymarket recently revised its Comprehensive Plan; and WHEREAS, the Town of Haymarket would have to expend a substantial amount of its limited resources to bring its Comprehensive Plan into concordance with the current provisions of 15.2-2223.1; and

WHEREAS, in a jurisdiction as limited in size and population as the Town of Haymarket, there is not enough vacant and/or unplanned acreage available to comport with the requirements of the section without dramatically altering current land use and/or the character of the Town; and

WHEREAS, concordance with the subsection would conflict with the Town of Haymarket's Historic Overlay District, adopted in accordance with section 15.2-2306 of the Code of Virginia; and

WHEREAS, the current provisions of 15.2-2223.1 thus place an undue burden on small jurisdictions such as the Town of Haymarket; and WHEREAS, the Town Council of the Town of Haymarket deems it advisable to recommend enactment of HB 1721: NOW, THEREFORE, BE IT RESOLVED that the Town of Haymarket recommends enactment of HB 1721 as offered January 12, 2011.

Brinson-Yes, Tobias-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes

Virginia Retirement System

John Bennett has requested to defer this matter until January 24, 2011. Tobias comments that we have done significant background work and, tonight we just needed to discuss which options. There are some bills before the General Assembly.

Tobias moves that the Town shall participate in the Virginia Retirement System at Level 1 as provided in the 01/11/2011 Town Council Packet, Weir seconds;

Discussion:

Tobias notes that the Retirement system is guaranteed by the citizen's of the Commonwealth.

Scarbrough would like to wait to hear of the Town Attorney's concerns

Weir doesn't foresee any significant changes in the short term, long term possibly. There are certain benefits to the Town that can't be expressed in monetary terms, ability to recruit and ability to staff. The state cannot afford to default on VRS. Weir thinks we owe it to our employees, staff first, lights second, everything else third.

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The Town Manager informs that VRS recommends that we wait until after the current General Assembly Session

Tobias has found some discussion that may come before the General Assembly, one is for early retirement, one is for benefit for certain law enforcement personnel, and the 3rd is adjust the expectations for annual obligations on the T-note,

Brinson-Abstain, Tobias-Yes, Cole-Yes, Scarbrough-No, Kenworthy-No, Weir-Yes

Utterback House

Tobias motions to direct the staff to complete a demolition permit application for the gray apartment building located at 15000 Washington Street and place on the next ARB Agenda.

Discussion:

Tobias: The building has been previously approved for demolition. In December 2004, the Town Council voted unanimously to demo several of its buildings, the town has ignored it, there is a liability there. The area could be better served to our tenants with additional parking and general appearances and he thinks it needs to go away.

Brinson: Has talked to residents and they would not like to see a parking lot there instead of a building.

Weir: As the longest continuing member of the Town Council, is was set to be torn down. It should have been revisited and it was neglected. It is a fire safety and health issue.

The Town Council is choosing not to waive its own code requirements.

Kenworthy: Thinks we are looking for people to come to the Town, the appearance is very important to him and thinks that building needs to go.

Weir seconds;

Ayes: Tobias, Kenworthy, Weir, Brinson

Nays: Cole

Scarbrough: Abstain

Tobias moves to defer consideration of the outstanding Winterham and Bloom bonds until the February Town Council meeting, Weir seconds;

Ayes: 6

Nays: 0

Cole

Quiet Zone. There are a lot of considerations like is the intersection going to be moved? He needs to look at the timing for the letters. This will be a lengthy process, but will save the Town a lot of money

Weir

A couple of bills worth pointing out, Appraisals for eminent domain, FOIA laws could change, he will talk with Clerk, speech or debate immunity (Town Council) immune from liability for speech or debate.

Kenworthy

Nothing

Scarbrough

Nothing

Tobias

Nothing

Brinson

Thanks all for having him on Council

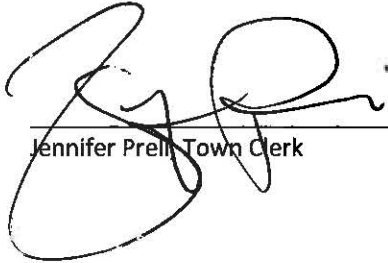
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Kenworthy motions to continue this meeting to January 24 @ 7:00 p.m., Scarbrough seconds;

Ayes: 6

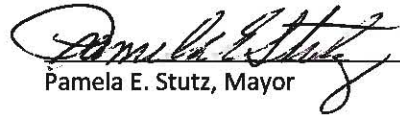
Nays: 0

Submitted:



Jennifer Prell, Town Clerk

Approved:



Pamela E. Stutz, Mayor

RESOLUTION 11-0111-1

A RESOLUTION IN SUPPORT OF HOUSE BILL NO.1721, OFFERED JANUARY 12, 2011

WHEREAS, the Delegate Robert G. Marshall has offered House Bill No. 1721 (HB 1721); and

WHEREAS, HB 1721 amends section 15.2-2223.1 of the Code of Virginia, making incorporation of urban development areas optional rather than mandatory; and

WHEREAS, the current provisions of 15.2-2223.1 require additional professional staff to draft, enact and enforce the requirements of the subsection; and

WHEREAS, the Town of Haymarket would have to expend a substantial amount of its limited resources to engage such professional staff; and

WHEREAS, the Town of Haymarket recently revised its Comprehensive Plan; and

WHEREAS, the Town of Haymarket would have to expend a substantial amount of its limited resources to bring its Comprehensive Plan into concordance with the current provisions of 15.2-2223.1; and

WHEREAS, in a jurisdiction as limited in size and population as the Town of Haymarket, there is not enough vacant and/or unplanned acreage available to comport with the requirements of the section without dramatically altering current land use and/or the character of the Town; and

WHEREAS, concordance with the subsection would conflict with the Town of Haymarket's Historic Overlay District, adopted in accordance with section 15.2-2306 of the Code of Virginia; and

WHEREAS, the current provisions of 15.2-2223.1 thus place an undue burden on small jurisdictions such as the Town of Haymarket; and

WHEREAS, the Town Council of the Town of Haymarket deems it advisable to recommend enactment of HB 1721:

NOW, THEREFORE, BE IT RESOLVED that the Town of Haymarket recommends enactment of HB 1721 as offered January 12, 2011.

Done this 11th day of January, 2011.

TOWN OF HAYMARKET, VIRGINIA

BY *Donna Estey*
Mayor

ATTEST:

[Signature]
Clerk

Voting Aye: BLINSON, TOBIAS, COLE, SCARBOROUGH, KENWORTHY, WEAR

Voting Nay: *[initials]*

Abstaining: *[initials]*

Absent: *[initials]*