

Town of Haymarket
15000 Washington Street~Suite 100~Haymarket, Virginia 20169
Monday August 3, 2009
Mayor Pamela E. Stutz

Mayor calls meeting to order at 7:03 p.m.

Announcements

US Census Bureau-Isabel Almendarez speaks to Council about the partnership with the Town. She thanks the Board for allowing her to speak. They need local governments to raise awareness of the necessity of getting the Census returned quickly in April 2010. There will be only 10 questions. The need is for redistricting, \$400 billion annually that comes to state and local governments. Some people may receive the American Community Survey, this survey replaced the long form of the Census. The long form is sent out to approximately 250,000 households each month annually.

**Weir motions to adopt the proclamation supporting the decennial Census for 2010
(proclamation attached), Edwards seconds;**

Ayes: 5

Nays: 0

Absent: Vazquez

Citizens Time

Gerry Kennedy, Developer of Old Towne Centre

He first stood here in April 2005 and spoke of Haymarket's potential as a walking town. We've all gotten to know each other pretty well and now we are down to the 5-yard line. The contract needs an extension to move forward, he is requesting that extension tonight. He has the project in the hands of several banks, but needs a live contract to continue working with the bank.

Shurn asks about a time-line with regard to his current financing. Mayor reminds that the council did proceed last month with lease signing and appropriations for repairs and maintenance. Every bank he has spoken to says this is the economy, it is not the project. It is because this project relies so heavy on retail. His commitment is as strong now as it was in 2005.

Mayor seeks the Town Attorney opinion. "The contract has expired". The contract cannot be extended from a legal standpoint without holding another public hearing. Council could vote and authorize the Mayor or TM to execute appropriate documents evidencing the sense of council. So a vote along the lines of "a sense of council". However, a new contract would be subject to another public hearing. His intention to complete this project.

Vazquez doesn't see how the inability to secure financing whether or not this is good for the town. he is seeing it across the board all over the country. He thinks this project will make or break the town. He feels the best course of action is to support the Kennedy project.

Cole would like to find a strategy to get the banks to make a decision. He wants to know what the town can do to leverage the banks.

Kennedy states that first of all there needs to be a viable contract. Mayor wants to make it clear to the banks that the Town is moving on. He mentions the possibility of leasing some space from the Town, then subletting for the Town and making the Town money in the end. He is willing to work toward the mutual benefit of his project and the Town. Vazquez likes that idea. The Town is not a good landlord. He would like the Town to look into this further.

Cole would want to hear how this would be constructed and operated. Vazquez assumes that this would just be treated as another lease.

Linda Landwehr

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Mayor thanks Linda for her assistance with the August 1 bus tour. She recaps what she said last week, that we need to move on. At some point you have to put on your responsibility hat and start fulfilling obligations. She compares to Quarles, they are moving on building like crazy. She stands by that thought.

Adrianna Carvajal

She supports the Kennedy project. She is all about that. Right now she has 41 days left to open her school. She is uncomfortable not having answers.

Cole motions to approve the minutes of July 21, 2009, noting correction, Leake seconds

Ayes: 6

Nays: 0

Town Manager Report

He inadvertently forgot to place the personnel policy on the agenda. He asks that we add the personnel policy to the agenda, and then defer it to September 14,

Museum Repairs

Everything requested of the contractor has been completed. There were some changes to the electrical service that the contractor thought we'd need, but was not necessary. So in exchange we are doing some cosmetic things to the inside with Ms. Ivancic's input.

Annual VML meeting is in October. Town Manager encourages any council member that wishes to attend. He'll be glad to make the arrangements. It is an excellent opportunity for Council, he would like for them to consider going.

Stage: We had some local businessmen willing to build a stage. He has looked into a portable stage (like the ones we lease for Haymarket Day).

Gerry Connolly

Saturday September 12, he wants to walk through the Town. He is hoping to have some news on additional funds for the street-scape project.

Street-scape program: Town Manager proposes to have an update in September. He has invited VDOT and the Town Engineer to attend. The Mayor suggests an earlier time for this information session, perhaps prior to the meeting.

**Cole will write an article for the September newsletter

Health Department meeting

Mayor, Cole, Chief, & Town Manager met with a rep from the County Health Dept. The Town has been told that the swine flu it is heading this way with a vengeance. There have already been some cases in the county, it is here, we have to start dealing with it. If you do get any flu symptoms, plan to be at home for 7 days, do not go out and potentially infect others. The Town Manager is part now of a weekly conference call with PWC, Manassas, Manassas Park, & the State. The good news is though this is serious; people are recovering well from the swine flu. They did encourage everyone to get their regular flu shot.

Police Report

Chief asks if there are questions comments or concerns.

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Weir thanks the Chief for taking care of the peddler issue in Greenhill Crossing. Chief reminds everyone that National Night Out is tomorrow, August 4, 2009 from 6:00 – 9:00 p.m. on Saint Paul Drive in Greenhill Crossing.

Building Official's Report

Fauquier Bank will break ground next week and should be open before Thanksgiving. CVS hopes to be open before Christmas.

Jordan Lane

Appeal of ARB decision for Giuseppe's awning.

ARB denied his design for awning. He has made some revisions. Mayor asked should this have gone back to ARB, the Town Attorney says no it can be considered as a new application.

Weir moves to approve the Certificate of Appropriateness for an awning to be installed at 15120 Washington Street as amended, Cole seconds; Cole confirms that this does not have to go back to ARB

Roll Call Vote: Vazquez-Yes, Leake-Yes, Cole-Yes, Shuryn-Yes, Edwards-Yes, Weir-Yes

Treasurer's Report

Audit

Naradzay comments on his relationship with Mark Frye, he does work for Mark during the tax season and wants to make sure this is disclosed to the Town Council. He does not do any regular accounting work with Mr. Frye. He networks with a lot of different CPA firms. The Mayor comments that she knew Mr. Frye from The Peterson Companies and thinks that most of council is aware of the Treasurer's relationship with Frye & Wolcott CPAs.

Treasurer recaps from last meeting the deals he offered. Frye cannot go any lower than the \$13,500 quoted. Farmer came back with a counter offer. Farmer will attend a budget work session and a council meeting for \$15,000 per year for 3 years.

**Cole moves to award the Fiscal Year 2009 audit to Frye & Wolcott CPAs, Shuryn seconds;
Discussion: Vazquez asks if the visits are a real value added.**

**Vazquez-No, Leake-Yes, Cole-Yes, Shuryn-Yes, Edwards-No, Weir-No
Mayor breaks the tie and votes-Yes**

**Cole motions to approve the business license applications for Hanh Le Duc, Barber, C2
Cleaning Inc @ 14950 Washington Street, and Tango & JJ, LLC, Vazquez seconds;**

**Ayes: 6
Nays: 0**

***Mayor recuses herself from the application for a business license as a farmer's market vendor, she is related to the applicant.

**Cole moves to approve J.R. Enterprises as a farmer's market vendor, Edwards seconds;
Ayes: 6**

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Nays: 0

Leake moves to adopt the following resolution:

It is hereby resolved by the Town Council of the Town of Haymarket that the Town continues to support the sale of the Town Center Property to Kennedy Haymarket Walking Town Development Group, LLC and the Town shall initiate all necessary actions to convey the property, provided a commitment for financing acceptable to the Town is presented to the Town on or before November 3, 2009, Edwards seconds;

Roll Call Vote: Vazquez-Yes, Leake-Yes, Cole-Yes, Shuryn-Yes, Edwards-Yes, Weir-No

Committee for the Town Center Property Renovations/Repairs

He has only talked with 2, both said they would do it. At least 1 tenant, business association, preferable who lives in Town. Edwards comments that maybe we should mix it up, not have all dissenters.

Crosswalk Repair Recommendations

Both intersections were going to be much more expensive, we do have on that is crumbling very badly at Fayette. He has a bid of \$11,500, can we also use the \$68 K as a similar in-kind.

Weir moves to instruct the Town Manager to pursue the contract with Tibbs Pavig to replace the crosswalks at a fee not to exceed \$70,000, with the money to come from the Capital Improvements line item Edwards seconds;

Roll Call Vote: Vazquez-Yes, Leake-Yes, Cole-Yes, Shuryn-Yes, Edwards-Yes, Weir-Yes

Move to allocate \$20K from the restricted prior fund to the CIP line item from the 2010 budget, Vazquez seconds;

Roll Call Vote: Vazquez-Yes, Leake-Yes, Cole-Yes, Shuryn-Yes, Edwards-Yes, Weir-Yes

Cole motions to re-refer to the Planning Commission the Zoning Ordinance Amendments and the wording for the new Commercial Transitional Zoning District, Edwards seconds;

Ayes: 6

Nays: 0

Vazquez is deploying to Iraq before the next council meeting. He is looking forward to coming back home in a year.

Weir

FOIA-Establish a rate of pay for your FOIA officer so you can charge that back. Set the rate at the lowest hourly rate

**September agenda

Edwards

Discussed at length and revising the ARB guidelines to more come in line with the adopted comprehensive plan, come to a consensus. The colors are limited and vague as to what the colors really are. Big thing is to make sure we are in line with the Comp Plan

Leake

Nothing

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National Night Out reminder

**Cole motions to adjourn the regularly scheduled meeting of the Haymarket Town Council,
Edwards seconds**

Ayes: 6

Nays: 0

Submitted:

Approved:

Jennifer Preli, Town Clerk

Pamela E. Stutz, Mayor