

Town of Haymarket
15000 Washington Street, #100~Haymarket, Virginia 20169
Monday, January 26, 2009
Mayor Pamela E. Stutz

Roll Call: Weir, Vazquez, Leake, Edwards, Shurn, Stutz, Cole

PC Roll Call: Leake, Landwehr, Gillin, Graham

Mayor reads aloud the legal notice:

Intent to adopt an ordinance for exceptions
Sale of the Town Center Property
Olde Towne Centre Site Plan

In Favor:
None

Opposed:

Jack Kapp-8010 Six Towers Road

Thinks the Town Hall should remain in the center of the Town. Feels it is a win-win situation. The purpose of this purchase was to have a strolling town. He would like to see Kennedy alter his offer to allow the Town to stay in the building with no cost. If you go to the Harrover property and build a new town hall at a much larger cost.

He is in favor if Mr. Kennedy allows the Town Hall to stay in the center of town

Dottie Leonard

14801 Washington Street

She is not completely opposed. She still has a problem with the price. VDOT is paying 30-35 sq. ft. for property. and 80 sft for finished buildings. She doesn't think he needs to come to that point because Mr. Kennedy is doing much more. She is concerned, during this, there have been a lot of new taxes. She wants to see people who live here to get the special treatment. Building a deck is difficult here and someone comes in and buys the downtown center and it's the same difficulty. She knows the property didn't quite pay for itself, but the town cut that off with removing the grocery store. She wants us to be fair to all, not arbitrary and capricious.

Public Hearing Closed:

Call for citizen's time:

Linda Landwehr:

She asks about Comcast cable, am I loosing my Comcast service, where and when?

Town Manager's Report

Mayor asks about the page 4 supplement. Was it submitted? Yes, TM provides to all.

TM updates council on the Trans study. DRPT, study showed that a bus system or some type of transit system would likely to very well.. DRPT has helped us put together a grant application to help us start up a trolley system. The application will require that the council take action. It used to be a demonstration grant, that program has been removed. Total cost for a one year program is \$270,000 the Town's share would be roughly \$90,000. It will be a regional system, so we would be asking the county to help. and possibly some money from the feds. There have also been some business people expressing interest in helping financially with this. We are not committing to this expenditure, even if approved for the grant.

Weir asks about BPOL he asks that we send something to the committee thanking all of them, in addition to Bob Marshall.

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Kennedy Haymarket Old Town Centre Site Plan

Some documents have just become available and some have been modified somewhat. JCB circulated a deed of restrictive covenants. Page 3 made some minor modifications. Page 6 new provision that set forth amounts to be paid if the structures were not moved, we are striking that from the deed, he will increase the bond amount by \$150,000 which will cover the cost of moving the structures. If you add that in, all the bonds including landscaping, \$570,915.08 secured by LOC.

Then other docs are agreements to move structures, for the record we have pics of the structures, we have the agreements that give Kennedy the right to acquire the structures. Edwards asks about the covenants (25 years) where does that time frame come from. JCB put that in there to evaluate the situation, Red Rooster has to be preserved in perpetuity, the others have to be developed in accordance with the site plan, there needs to be some sort of flexibility for future changes.

Weir would like to waive even looking at them, for the record, getting the docs for review at this stage of the game, given that in the Nov and Dec work session the purchaser was told we wanted these by the day of the public hearing notice. Seems to be a recurring theme with this application. He's not going to go over everything that he would like to because of guests present.

Leake motions to approve the site plan dated January 2, 2009, consisting of 36 sheets, with 2 sheet #4 X-1 thru X-11, X-1 sets forth the covenants in which the to be developed in accordance with the site plan, amount of bond, \$570,915.08 secured by a line of credit, which include a stipulated amount of \$150,000 for the moving and stabilization of the four structures, form of the Letter of Credit shall be approved by the Town Attorney and further subject to the submission of the SWM facilities agreement, Easement Agreement and dedication of the easement, Edwards seconds;

Discussion:

Weir: "No shock, I'm not voting in favor of it", he hasn't had a chance to review everything. "The hours spent by the PC, Town Staff, applicant was expressly notified of the requirements, some of the required documents haven't even been submitted yet." Because of the guests present Weir is not going to go over everything that he would like and will abdicate his fiscal responsibility and waive looking at them. For the record, Weir has a problem with getting the documents for review at this stage of the game, given that in the November and December work-sessions the purchaser was told we wanted these by the day of the public hearing notice. Seems to be a recurring theme with this application. The Town Attorney states that he did tell the applicant's attorney that the SWM Agreement could be done later and that is not unusual.

Town Attorney comments further that we agreed to treat this under the old policy and procedure. Weir, "this is a recurring theme on this application. When we first agreed, there were 15 waivers, incomplete applications, blame on some individuals, he has no confidence that the applicant can carry this site plan out.

Mayor calls for a vote

Vazquez-yes, Leake-Yes, Cole-Yes, Edwards-Yes, Shuryn-Yes, Weir-No

Haymarket Oldtowne Centre Site Plan Waivers and Amendments:

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Cole motions that the Town Council grant and approve the necessary ordinance amendments to grant waiver amendments for this site plan only for the applicable provisions set for on sheets 28, 29 & 30, Leake seconds;

Weir notes that does not believe the sale price is acceptable, it is 2/3 less than the original offer. We are basically left with no home for a Town Hall. That plan has changed course at least 4 times. He doesn't see the business plan working for this site plan. Performance of the applicant, he just made a lengthy statement about this in the previous motion. He has no confidence that this will take off. He is seeing a pattern of blame, it causes him great concern.

Changes to the plan changes to the documents, he hasn't review everything, he is uncomfortable with that fact. This is a very risky endeavor for the Town, he can't get past that the risk is very great. Ultimately, he doesn't see that this offer is in the best interest of the residents. The process, by which we have gotten to tonight, has carried consequences that have adversely impacted the Town's administration and are going to present for the town a variety of new problems for the Town in the future. Weir believes this to be less than fiscally responsible. Mayor calls for a vote

Vazquez-Yes, Leake-yes, Cole-yes, Shuryrn-yes, Edwards-Yes, Weir-No

Edwards motions that the Town sell and convey to Kennedy Haymarket Walking Town Development Group, LLC the property commonly known as the Town Center Property consisting of approximately more or less 1.51 acres, five different tax map parcels, for 2.3 Million in cash and in consideration of the approved site plan on the terms and conditions set for in the deed of easements and covenants. X-1 recorded first, second special warranty deed, exhibit X-2, and other conditions and amendment to the contract and lastly, subject to the condition that full settlement take place on or before Feb. 28, 2009 and town receive all proceeds of the sale by that date, time being of the essence, Leake seconds;

Weir asks about 60 day ratification period, the Town Attorney says no that has been done away with. Mayor calls for a vote

Vazquez-Yes, Leake-Yes, Edward-Yes, Weir-No, Shuryrn-Yes

Mayor responds that she understands his [Weir's] concerns and she hopes that they don't come true. She agrees that a home for the Town Hall is a great concern.

Chief McGhee - PWC Fire Chief

Thanks council, 29 years, dept of fire and rescue. The County Board of Supervisors, over a week ago, resolved to dissolve the GVFD. That decision was not taken lightly. Volunteer leadership was questioned. The audit began in mid September in response to issues that he had identified over 16 months ago. The first issue he dealt with was citizen complaint regarding the GVFD. Some were serious enough to concern him with public and fire and rescue safety. Much of what he saw was policies and procedures were completely disregarded. He laid out his case to the BOS. Saw a clear and present danger to their personnel. First time in history, along with the action, the board has directed them to review chapter 9 of the county code, and to look at policies and procedures for safety and operational procedures. That is to be brought back by May 1.

First series must be stabilized, he is confident that has occurred, for both stations. It will not be GVFD; they are operating under PWC dept. of Fire and Rescue. He hopes to have volunteers operational again by this time next month.

He views the Gainesville station as in deplorable condition. He needs to determine if renovation is in order or a new building. That station is 20 years old. There is hazardous waste, mold, walls erected without permits, general lack of routine maintenance. Breathing apparatus are supposed to be checked 4 times per year. No record of them ever being checked. President had permission from the chief to keep personal property in there. Belongings have been removed. Volunteer company is

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dissolved. There are still certain that the lawyers are resolving. He sees to fire and rescue pupose for the buildings/land in the Town. He needs time to take care of the urgent matters.

Weir asks is there a diminished capacity or are we operating near capacity. Chief responds we are at a heightened capacity. What types of citizen complaints were made, asks Weir. Chief responds that condition of the building in town, condition of the building in Gainesville, family living in the town building. IRS violations for living in the building. Structure fires on Tuesday night, he got a briefing on that fire. Responded to by career staff. Mayor comments that they have been very helpful. She commends the staff for their help. Weir asks about the remainder of the trailers. Mayor thanks the chief for coming out to talk to the Town. Landwehr asks about the prior donations made to the volunteers.

Applications in PWC within 1-mile of the Town's boundaries

Market Center proffers and sign revisions

There were 3 land bays approved on this project. Changes are building locations, sign plan. Aggregate square footage is less. Monument on the corner. Internally lit, 10.9'. Ordinance standard is 10 feet. Recommend ground lighting, materials are there, Pylon signs are auto oriented. Want to be seen. He recommends ground lighting, lower the monument sign. Weir has an issue with the Pylon signs, they are almost double the sign allowances.

**1 pylon sign, ground lighting, compatible with town sign ordinances.

Yazdani-CEC-Original request was REC-office buildings.
Other deficiencies noted.

Hunter @ Haymarket
SRR to CEC & ER. This climate how do they justify reducing the environmental levels.

**March agenda for GVFD

Edwards motions to adjourn the special meeting of January 26, 2009, Weir seconds;

Ayes: 6

Nays: 0

Submitted:

Approved:

Jennifer Preli, Town Clerk

Pamela E. Stutz, Mayor