

Town of Haymarket – Town Council Meeting
15000 Washington Street-Haymarket, VA 20169
Thursday May 16, 2011 – 7:00 p.m.
Mayor Pamela E. Stutz

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

Roll Call: Tobias, Stutz, Kenworthy, Weir
Absent: Leake, Cole, Scarbrough

Leake enters meeting

Status of Hulfish House

The Town Manager reports that there are no commitments from the county at this time to do the partial demolition. He has also asked the owner of GeoCon, Inc. to provide a quote on the partial demolition; he will bring that by tomorrow morning. Tobias reminds that an amount has been approved to perform this work, so the town manager could use his discretion. Council agrees to get it started.

Museum Budget

Ellie Ivancic – May 7 event fell through. *Spend the Day in Haymarket* is going to try to do something celebrating the Civil War Sesquicentennial at the July picnic event.

The museum will now be open from 11-3 on Sundays.

Council and Ms. Ivancic engage in budget discussions. **Council requests that this item be discussed at the June 6 meeting and that she be prepared to have her budget needs known in detail.

Town Manager's Report

- Street-scape property acquisitions – 4 owners, who have settled, two of those needed lender agreements. He does not have any of the agreements back yet. VDOT will need to approve the form of the agreements. All other properties have had certificates filed.
- Request to amend the B&N contract. B&N has proposed to retain responsibility of the engineering services, but that they would sub-contract to another engineering firm. We still have approximately \$19,000 left on the contract.
- We had received a \$1,000 grant from VA Department of Environmental Quality. We had talked about using the grant it for street-cleaning. We did receive a quote for everything in Town with the exception of the interior of the major neighborhoods. That quote came in at \$2,000

**Leake motions to allow Town Manager to enter into contract to spend up to \$2,000 to be taken from line item public works/street maintenance contract, no second Weir – the discussion was to have the entire town swept
MOTION FAILS**

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Tobias motions to allow the Town Manager to enter into contract with a street sweeping company, the contract is to include the sweeping of all of the public streets in the Town with the understanding that we have received the grant funds in the amount of \$1,000 from DEQ. The expenditure should come from the public works/street contract line item and the snow removal line items in an amount not to exceed \$3,000 of actual expense to the Town not including the grant funds,

Weir seconds;

Tobias-Yes, Leake-No, Kenworthy-Yes, Weir-Yes

- ATL Funds – Staff sent letters to the three fire stations that serve the Town; Antioch, Gainesville, and Evergreen. We have received a request from the county for the use of the grant funds for the two stations that are county-managed, Antioch and Gainesville. We have not received anything from Evergreen, to date.

Winterham Bonds

The Town Manager sent a letter to Bloom requesting to fence the Colonel's house, property owner said he would take care of it. The Town Manager recommends we get the process moving to have the buildings on the Payne Lane site demolished. Tobias reads aloud, 58-562: Sec. 58-562. Demolition by neglect.

(a) No officially designated historic building within the historic district shall be allowed to deteriorate due to neglect by the owner which would result in violation of the intent of this article. Demolition by neglect shall mean and include:
(1) Deterioration of the exterior of a building to the extent that it creates or permits a hazardous or unsafe condition;
(2) Deterioration of exterior walls or other vertical supports, horizontal members, roofs, chimneys, exterior wall elements such as siding, wooden walls, brick, plaster or mortar, to the extent that it adversely affects the character of the historic district or could reasonably lead to irreversible damage to the structure. In determining whether deterioration adversely affects the character of the historic district, the building official shall be guided by the comprehensive plan and, if adopted, the strategic plan and capital improvements budget.
(b) If the town building inspector determines that a structure in the historic district is being demolished by neglect, he shall so notify the owner and the chairman of the architectural review board of this conclusion, stating the reason for such determination, and shall give the owner 30 days from the date of the notice in which to commence work rectifying the specifics, or to initiate a request to demolish, move or relocate such structure. The owner may appeal a determination made by the building inspector under this section to the architectural review board, which may alter, reverse or uphold the decision of the building inspector. If appropriate action is not timely taken, the town building inspector shall initiate appropriate legal action.

**Mayor Stutz reminds Mr. Lowery to send the letters certified and copies need to be given to the town.

**Tobias motions to call Bond #B838286 in the amount of \$255,387.40 and Bond #B838287 in the amount of \$14,190.00 being held against site improvements for the "Able Properties" site plan approved by the Town Council on February 9, 2004 with its further revisions numbered 1-11, as approved by Council, for GPIN #7298-80-3903, 15101 Washington Street, owned by Winterham Development, LLC, immediately and proceed with the outstanding improvements, Leake seconds;
Tobias-Yes, Leake-Yes, Kenworthy-Yes, Weir-Yes**

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Closed session

Tobias motions to enter into closed session pursuant to 2.2-3711 A(3) Annexation proceedings; A(29) Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offers, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body; A(7) consultation with the Town Attorney on a request for a zoning administrators opinion; and A(1) discussion of town employees and/or officers, Leake seconds; Tobias-Yes, Leake-Yes, Stutz-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent, Cole-Absent

Tobias motions certification of the closed session that the only items discussed in the closed session were those noted in the motion to enter, Weir seconds; Tobias-Yes, Leake-Yes, Stutz-Yes, Kenworthy-Yes, Weir-Yes

Weir

- File management – Document retention/destruction. Weir suggests that we consider scanning in the files that can be destroyed in order to preserve cabinet space. He would like to see a proposal presented to the Town Council at the July meeting.
- Weir has met with Stirrup and he has also met with the new planning director of the county and he is impressed with him. He plans to meet with Supervisor Stirrup again soon.

Tobias

- **Fee schedule. He would just like to confirm that it is on the June Town Council meeting agenda.
- **Tobias asks if cameras and audio system will be live for the June 6 meeting. Tobias wanted to know if the audio can be retrofitted to include the video? The Town Manager responds no. The Town Attorney discusses that possibility of the PEG channel and possible grants with Comcast for this equipment.
**Clerk to send the Town Attorney the Comcast agreement. **Update at June Town Council Meeting.
- Caboose Enhancement Grant** July meeting, Clerk to give status of the time frame of the funds being available.
- Sign enforcement letters. Were they sent out? Town Planner responds that they should go out tomorrow. Tobias was under the impression that the letter was to be a direct violation. June 17 is the trigger date for removing the signs.
- Induction Lighting RFP – Tobias asks the Clerk for a status update. It has not yet been published. Clerk to have RFP's due by July 15.
- No Parking, no ticketing, towing policy.

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Tobias motions to instruct the Clerk to advertise a public hearing for the Town Council to consider the implementation of "no parking" signs on the east side of Hunting Path from Washington Street to the Hunting Path circle where the yellow curb painting begins. The public hearing should reflect that the Town will have an expenditure of an amount not to exceed \$2,500 for the purchase and installation of VDOT-approved no parking signs, Weir seconds;

Discussion:

Kenworthy talks about the issues of parking when Longstreet's community has a project that requires them to vacate the lots; it is the only parking area. Tobias responds that exceptions can be worked out with the Police Department

Tobias-Yes, Leake-Yes, Kenworthy-Yes, Weir-Yes

- ARB Meeting cancellation
Tobias expresses his concern that the ARB canceled a meeting because "not all could be present" because a sensitive issue was to be discussed (demo of the Hulfish House). Tobias reminds that just because there are important items to discuss that doesn't constitute not having a meeting. Tobias asks what the law says about cancelling a meeting properly. Mayor recommends that the ARB create a set of by-laws. Tobias asks the Mayor to send a letter to the Chair and copy the council
- Appeal for the Certificate of Appropriateness of total demolition of the Hulfish house now sits with this council. Tobias states that since the ARB failed to take action on the Certificate of Appropriateness the matter lies with the Council. The Town Attorney reminds that the action that council took at the May 2 meeting, approving the partial demo presupposes that the full demolition is dead.

Weir recommends that we take up the full demolition of the Hulfish house, and then the Tobias appeal would be mute.

Tobias motions that the Town Council approve the Certificate of Appropriateness for complete demolition of the Hulfish House if that within a time period of 3 months the partial demolition is incomplete or if it is determined that the restoration is cost prohibitive or if the structure is not salvageable, Kenworthy seconds;

MOTION FAILS

Tobias motions to adjourn, Kenworthy seconds

Ayes: 2

Nays: 2

Mayor breaks the tie with an Aye and the meeting is adjourned at 10:15 p.m.

Submitted:

Approved:

Jennifer Preli, Town Clerk

Pamela Stutz, Mayor