

Town of Haymarket Town Council Meeting  
Monday, April 7, 2008  
15000 Washington Street~Haymarket, Virginia 20169  
Mayor Pamela E. Stutz

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

**Pledge of Allegiance**

Mayor announces the candidates that have applied to fill John Cole's position  
Charlie King, Pam Swinford, Michelle Tanner, Ralph Ring, Jay Tobias, & Ellie Cole

**Stephanie Graham**

6832 Saint Paul

She is representing residents in Greenhill Crossing. She reads petition aloud regarding opposition to the sale of the Town Center Property. Petition attached.

**Maria Turner**

Regarding Mr. Kennedy's offer, she hopes that whoever buys this property that there is signalization implemented for pedestrians. She is disappointed in traffic enforcement, there are no through trucks permitted on Fayette and they continue to come through. She saw Chief Roop watch someone cut through the Town parking lot. She is disappointed that zoning has not been enforced since we hired a town manager. You cannot drive on Fayette with two vehicles passing. It has been 8 years since the residents were promised sidewalks to Route 15. She asks that the newsletter represent answers to questions not just miscellaneous information.

**Pete Webb**

Business owner

He is disappointed that some town residents do not support the Kennedy project. The two projects that he has completed are true examples of much needed improvements. For the record he is in support of the project and the sale.

**Ellie Cole**

6757 Fayette Street

She did not feel that there was any hostile atmosphere at the March 13, 2008 meeting.

**Bob Lagrain**

As he came out of The Very Thing today it took him 5 minutes to make a left hand turn on Jefferson. He cannot imagine what the traffic would be like with the Kennedy project. He feels it would be backed up to I66.

**Jessica Clay**

6809 Saint Paul Drive

Business owner

Generally she is in support of Kennedy's plan. Especially the historical buildings being restored. She asks if the Town approves the contract are there any insurances in his development plan, that it will have to be developed that way. She also wants to make sure that present leases will be honored. She has a lot of elderly clients that truly cannot walk that far, she also foresees a problem with tractor trailers coming to the sight. She is in support of the plan if some assurances in place.

**David Johns**

He is hearing that most are in favor of this project. He thinks this is a great project but we should draw from the people that live outside the town. He doesn't understand the argument of the price. You have to sell real estate for what it is worth.

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Jarboe motions to enter into closed session pursuant to the provisions of VA §2.2-3711:

- A. Public bodies may hold closed meetings only for the following purposes: 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; specifically appointment to the open Town Council Member seat

Shuryn seconds;

Roll Call Vote: Vazquez-Yes, Sikorsky-Yes, Shuryn-Yes, Jarboe-Yes, Weir-Yes

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Vazquez motions certification of the closed session, that the only items discussed were those noted in the motion to enter, Sikorsky seconds;

By a Roll Call Vote: Vazquez-Yes, Sikorsky-Yes, Shuryn-Yes, Jarboe-Yes, Weir-Yes, Stutz-Yes

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Sikorsky motions to appoint Ellie Cole for the remainder of the term ending June 30, 2008 vacated by John C. Cole, Jarboe seconds;

Discussion: Vazquez comments that looking through the names that drove the decision for him: Quick decisions without a whole lot of education. Two years ago when he ran, his primary goal was to create the walking town. He feels that Ellie that is the person he feels most comfortable with making those decisions in true faith to his platform.

Weir comments that his [Vazquez] speech is a fine campaign speech. He does feel there is a more qualified candidate. There is no secret as why we are filling this slot. This appointment is providing a means to the end. It goes against everything he has been taught and everything he has done public and private. You can sugar coat it and try and make it sound good, but it's the same thing that's been happening for a couple of months.

Jarboe would like to comment that we have 6 candidates, 3 she does not know. She read over their reasons to fill the position, she does feel there is one person with a conflict, two candidates running for council they both have history and background. Does it give them an edge? She doesn't know. It was a tough decision for her, and for the record, they did not go upstairs and agree instantly.

Vazquez-Yes, Sikorsky-Yes, Shuryn-Yes, Jarboe-No, Weir-No

Public Hearing called to order on the proposed sales contract for the Town Center Property:

1<sup>st</sup> Call In Favor

2<sup>nd</sup> Call In Favor

Scott Dam

He rents space in the building for his business. He has reviewed in detail the proposal; he is very comfortable with it. He has joined the committee to relocate town hall.

Tasha Sikorsky

6811 Jefferson Street

As a council person she has a lot of knowledge as to why the contract was pulled out. As a resident, she thinks she would like to hear from Mr. Kennedy as to what actually happened with the previous submission. What mechanisms are in place to insure that this won't happen again? She would like some kind of explanation.

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**Jay Tobias**

He is in favor of the proposed sale now, about 3.5 years ago he was not in favor of purchasing the Harrover property, due to lack of a plan. Everything Kennedy touches has turned to gold in this town though. He thinks this is the only viable option this town has. "Sell the property give it a shot, there really isn't anything to lose."

**Pam Swinford**

Jockey Club Lane

She doesn't appreciate that she cannot show an opinion in a council meeting by clapping. The buildings in question are boarded up now. She didn't appreciate a council member going door to door soliciting a petition.

**Chuck Carnahan**

He thinks Mr. Kennedy is presenting us a once in a lifetime opportunity. Commercial market will dive soon. We should take this offer.

**Theresa Shupe**

Greenhill Crossing Resident and Town Business Owner  
Owner of Lifetime Family Medicine

As a business owner she has been open for 16 months; she has seen businesses come and go, she blames no one in particular. She is speaking in favor of the proposal. She had the idea that this was going to be a walking town. She thinks it will benefit the residents and businesses alike. This town needs some help and this sounds like some help.

**Sean Roberts**

6750 Fayette Street

He thinks the offer is great especially in part to the historic value the Town will gain. To him the issue didn't move forward, we need to look to the long term future.

**Bill Horan**

He is one of the owners of the parking lot (6604 & 6608 Jefferson). He thinks it is a great opportunity for the Town.

**Dorana Devan**

Haymarket is the place she shops. She frequents Haymarket only. To have a developer bulk buy like this is not common right now. This is a good thing for the Town of Haymarket.

**Linda Marlow**

She has a business in Gainesville that she would like to move to Haymarket. She asks what is the plan. She encourages us to vote for this project.

**Sharon Pap**

Small business owner. She plans on being a tenant of this plan. She has several clients that would like to relocate here. This keeps our history, we are tearing down our history.

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Opposed to the proposed sales contract submitted by Gerry Kennedy

1<sup>st</sup> Call

2<sup>nd</sup> Call

**Maria Turner**

Not necessarily for or against. She reminds all that a company like State Farm does not pay taxes here. (Insurance companies are exempt from BPOL) She is looking for a diner, something she frequents daily. She is concerned that it will turn out to be all offices.

3<sup>rd</sup> Call

\*\*Mayor would like the petition entered into record for those opposed to the plan.

**Gerry Kennedy**

Thanks everyone who spoke for and against the project. He reminds that this is your town not his town. What he is proposing is an economically viable development. One of the competing banks is here tonight. He feels this is a competitive purchase price; this is the highest price per acre sold in the town of haymarket ever. This is almost a \$10 million investment for him and others. This is a "stick" enterprise this will employ contractors who otherwise wouldn't be employed. Numbers from 18-22 businesses that is strictly retail. He is encouraging small tenant spaces, there has been discussion that the business plan doesn't work. When he pulled away last time, his phone never stopped ringing with people not wanting him to leave. The intention is to have first floor retail and second floor office. Teaching the Basics building will be refaced, there will be a new-old building. The Very thing intends to stay here. This is being approached as a business endeavor. He thanks the council for their consideration. He thanks all here.

Mayor asks if Sikorsky's questions were answered? Sikorsky comments no, that she would like to know "What was the rationale as to why they pulled out. The Town had worked in great cooperation with him in this project." Kennedy responds that we got hung up on a disagreement on a traffic study regarding a turn lane here on Jefferson Street, the process set the project back. He felt the project was then put at risk.

Weir comments that he has a similar question as Sikorsky, "what has changed?" Kennedy said the community outpour has changed. The Two issued that remained at that point in time, were clarification on traffic study that suggested there may be a need to a turn lane.

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Jarboe motions to enter into closed session pursuant to the provisions of VA §2.2-3711

A. Public bodies may hold closed meetings only for the following purposes:

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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Vazquez motions certification of the closed session, that the only items discussed were those noted in the motion to enter, Sikorsky seconds;

By a Roll Call Vote: Vazquez-Yes, Sikorsky-Yes, Shuryn-Yes, Jarboe-Yes, Weir-Yes, Stutz-Yes

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MOTION BY JARBOE, that the Town Council authorize the sale of the real estate commonly known as the Town Center property, such property is described on the sales contract dated January 7, 2008, for a purchase price not less than \$2,300,000 payable in cash at the time of settlement and on such other terms and conditions as set forth in the contract and the addendum thereto dated March 4, 2008 with the following changes:

1. The study period shall be for a period of 90 days. The Mayor is hereby authorized without further action by the Town Council to extend such settlement period for up to three periods of 30 days each.
2. The initial settlement date shall be on or before 30 days of approval of the final site plan. The Mayor is hereby authorized without further action by the Town Council to extend such settlement period for up to three periods of 30 days each.
3. The documentation relating to the preservation of the Red Rooster and the relocation and preservation of the structures contemplated by the contract shall be completed and approved by the Town Council and the Town Attorney on or before 60 days of contract ratification. The Mayor is hereby authorized without further action by the Town Council to extend such settlement period for up to three periods of 30 days each.
4. The Mayor is authorized to execute on behalf of the Town Council any and all necessary documents, contracts and other things in relation to the sale of such property as set forth above.
5. In the absence of the Mayor, the Vice Mayor is authorized to ratify the contract as stated in this motion.

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Discussion: The Town Attorney explains a parameters motion. This type of motion gives the outside boundaries of the deal. Attention will have to be devoted to the preservation of the Red Rooster and the moving of the other structures. This motion allows for worst case scenarios, time wise. Weir states his position is clear. He is concerned for the fiscal interest of the town and the corporate entity. He does not believe the offer is fiscally sound. The first public hearing there were talks about the new town facility. Those costs have now escalated. He gets disturbed when he hears that if we don't take the deal taxes will go up. He took the emails from the last meeting and mapped where they were from. Most did not even fit on his map. He doesn't see that the addition of these businesses is going to make up the offset. This plan does not work. We are burdening the new council, with possibly no place to meet. We are burdening the residents too.

Sikorsky comments that there are needs to this building; she understands his point about the move. She does not want to see Harrover turn into townhouses. Weir responds that she made his argument for him. We don't do anything about signs or zoning now.

Jarboe was opposed to the original purchase of this property back in 2000. We have an opportunity to get rid of it. We are not landlords. It only makes sense to move to the Harrover building. We have open space up there. We have got to do something positive for this town.

Mayor comments to Weir that she is sorry that this matter has torn some relationships. But she does not agree that there should be a burger king, or a pharmacy, or a medical building. Weir comments that this is not emotional. His problem has been the way this has been conducted.

**SECONDED BY, COLE**

**BY A ROLL CALL VOTE:**

**YEAS: VAZQUEZ, SIKORSKY, COLE, SHURYN, JARBOE**

**NAYS: WEIR**

**Comprehensive Plan**

Chair Landwehr references work-session on March 13. We came up with a list of 24 action items. Draft 15 contains those 24 action items.

Landwehr reads petition aloud. (attached petition opposes commercial development on the south side of Washington Street, east of Madison Street)

Translation: Draft 14 had the future land use map showing everything on Washington Street residential east of Madison street. Draft 15 proposes a new zoning category called Restricted Commercial.

She thinks there are 4 choices that pertain to the future land use map.

1. New Restricted Commercial
2. New restricted commercial only on north side of Washington
3. We can leave Washington Street per draft 14
4. Go back to future land use map of 1996 comp plan
5. Adopt current zoning as the future zoning.

Mayor asks chair to present to PC and make their recommendation at their next regularly scheduled meeting on April 14, 2008.

Chair asks for a poll from council on what they think.

Ozzie-Draft 15

Cole-Draft 15

Sue-Draft 15

Jarboe-Option 5

Weir-Draft 14, willing to work with option 6



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Weir motions to approve the Special Use Permit Application for a construction trailer & 2 storage pods to be located at 15250 Washington Street (Quarles Center), Jarboe seconds;

Ayes: 5

Nays: 0

Absent: Vazquez

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Weir motions to approve 6875 Jockey Club lane construction permit application for an addition to the home, Sikorsky seconds;

Ayes: 5

Nays: 0

Absent: Vazquez

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Jarboe Motions to set a date for public hearing for May 5, 2008 for a public hearing for a special use permit application for a construction trailer to be located at 15250 Washington Street for PW Campbell, as contractor for Fauquier Bank, Weir seconds;

Ayes: 5

Nays: 0

Absent: Vazquez

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Weir motions to approve the business license application for Haymarket Sports & Injury at 15100 Washington Street and PW Campbell as an out of town contractor, Jarboe seconds;

Ayes; 5

Nays: 0

Absent: Vazquez

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Sikorsky motions to approve the contract with American Disposal, per the Town Manager's negotiations on trigger amounts for increases and decreases in diesel fuel, Shurn seconds;

By a Roll Call Vote: Sikorsky-Yes, Cole-Yes, Shurn-Yes, Jarboe-Yes, Weir-Yes

Vazquez-Absent

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Sikorsky motions to refer the Kennedy preliminary site plan to the Planning Commission for their review and recommendation, all fees must be paid, Shurn seconds;

By a Roll Call Vote: Sikorsky-Yes, Cole-Yes, Shurn-Yes, Jarboe-Yes, Weir-Yes

Vazquez-Yes

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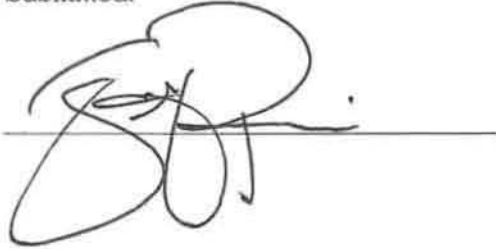
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Weir motions to continue this meeting to Tuesday, April 22, 2008 @ 7:00 p.m, Shuryn seconds:

Ayes: 6

Nays: 0

Submitted:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and difficult to decipher.

Approved:

A handwritten signature in black ink, written over a horizontal line. The signature is cursive and clearly legible as "Pamela E. Stutz".