

Town of Haymarket Town Council Meeting  
Monday, May 2, 2011  
15000 Washington Street~Haymarket, Virginia 20169

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

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

**Planning Commission**

There is a joint public hearing tonight for a special use permit for an in-home business to be located at 14704 Greenhill Crossing Drive, #SUP20110321. The Town Attorney reminds the public that the meeting is joint with the Town Council and that all comments should come now.

*No public comment*

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**Weir motions to close the public hearing, Ivancic seconds;**

**Ayes: 4**

**Nays: 0**

**Absent: Graham**

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**Jarboe motions to forward #SUP20110321 and #ZP20110321 for JKS Trucking to be located at 14904 Greenhill Crossing Drive, Weir seconds;**

**Ayes: 4**

**Nays: 0**

**Absent: Graham**

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**Ivancic motions to adjourn special meeting of the Planning Commission of May 2, 2011, Weir seconds;**

**Ayes: 4**

**Nays: 0**

**Absent: Graham**

**Town Council Public Hearings**

Tonight's first public hearing is for the potential improvements the Harrover properties, 14710 and 14740 Washington Street. The ideas being presented this evening are for a walking trail around the perimeter of the property and a multi-purpose court on the far eastern portion of the front of the property.

In favor: *No public comment*

Opposed:

- Maria Turner – she is opposed to the Town spending funds on this. Crushed stone paths are expensive and have high maintenance. She is concerned about ADA compliance. She recommends access to the town from other communities.
- Elizabeth Caudle – Dogwood Park Drive  
She does not like the idea of stone, with mowing issues. She questions the multi-purpose court, right next door is a court.

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- Ron Phillips – Dogwood Park Drive  
He would rather see sidewalks through the Town. He also asks about parking, has that been considered.
- Neil Green – Track Court  
He would prefer to see the town take care of the existing paths instead of adding more. He already has the noise from the baseball field. He thinks the town could better invest money into existing infrastructure.
- Bukowski – Dogwood Park  
He asks “why?” it doesn’t make any sense to him at all. Why spend money on this? He recommends to sell it or do something that produces income. Noise, parking. He doesn’t see what good that is going to do. The drainage coming from the property is terrible. His property takes on a lot of water. He thinks the TC should put their heads together and come up with a
- Elizabeth Bukowski – Dogwood Park  
She thinks we should expand our existing sidewalks and expand to going over I-66. She loves Haymarket and loves exploring.
- Ben Boykin – Dogwood Park  
If we are trying to find a way to gain revenue, he would like to gain more yard space and would love to purchase it from the town.
- Joe Bacon – Dogwood Park  
He thinks the plan seems a very odd usage of the entire site. He comments on lack of parking. He thinks this seems like a piece of a plan rather than a whole plan.

**Mayor closes the public hearing on the potential improvements to the Harrover properties.**

**Mayor opens the public hearing regarding the disposition of the Hulfish house:**

- Chuck Carnahan – Hunting Path Road  
He is sort of on the fence. He is not opposed to renovation, however, re-coop renovation cost, potential revenue source. If we have a viable business plan, we are wasting our time. He thinks the red rooster serves more as a landmark and thinks there is a more possibility of
- Maria Turner – Fayette Street  
She echoes what Chuck Carnahan had to say. She says we need to do something. She thinks they are a hazard. She can’t believe we are still wrestling with this.
- Kat Harnest- Brave Court  
She moved here because of the history of this town. Total destruction will take a piece of the heart of the Town. Old Carolina or It is still on the Indian trail. She does not think total destruction is an option at all. She suggests a bed and breakfast.
- John Cohegan – he is a contractor.

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He came out last week. He is of the opinion that the Red Rooster should be renovated. He thinks there is water damage throughout. He suggests taking parts of the blue house and using parts in the renovation of the red rooster. It needs to be surgically

- Ezie Junkala  
She is interested in the red rooster. She says it won't take that much money and time.
- Ken Leursen – Jefferson Street  
As a citizen he is not a history buff. As a representing member of the ARB, they voted down the full demolition of it. You as the curator of this town, which has been neglected, this is an opportunity to keep a piece of it.
- Ellie Ivancic  
She thinks it should be saved. George Hulfish was living in the Town when it was burned. He was part of re-building this town. It is the only out building left in Haymarket; it is attached to the house now.
- Joe Bacon  
He lives in the Villages of Haymarket  
He is not in favor of demolition.
- Ralph Ring – Greenhill Crossing Drive  
Our Building official has condemned these buildings, and this town has not proven that it can be an effective landlord. There is no plan to turn them into a viable asset to the Town. If the Town is serious about history, it needs to present a plan. How many more years is the town going to invest in something. He is in favor of demo.
- Sheila Jarboe  
6791 Jefferson  
This issue has been before this council many times. It is time we take a firm step. She sat on the Historical Commission for years, but to look at that house, there is no history. If the inside can be saved, that might be one thing. She would like the red rooster to be saved.
- Bukowski  
He has lived here for 7 years. He is tired of looking at those run down buildings. Get rid of these buildings. If you are going to do something do it, if not get rid of them.
- Pam Swinford - Jockey Club  
She is a member of the ARB. They [houses] are the history we have left in this town. They are intrinsic to the history of the town. She is in favor of partial demo of the blue house. We only have 2 buildings left that we can control. The Red Rooster has been deemed ok. As a citizen, how do we build a town without taking on some debt? The history is quite valuable. She agrees that things need to be done.
- Rebecca Bare - Cheyenne Way  
10 years ago, she would have been the first person to save the house. Our building official has said demo the house. It is really time to move on, we would be saving the history but not necessarily the building.
- Swinford – she add that we need to take into consideration that Leesburg has small buildings that are thriving. It is all we have left that is historic.

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- Gerry Kennedy  
He is in favor of a partial demo of the Hulfish house. He can assure that the bones of the building is good. It has plenty of local historic value. It also has economic value. Red House's tax assessment rose 1000%. There are 7 thriving businesses in that building. 30 jobs are housed under the roof of the red house. If destroyed it will be gone forever. He urges council to not destroy that building. Let it become what it needs to be.
  
- Susan Edwards – Little John Court – *comments sent via email to the Town Clerk*  
Read aloud by the Clerk: I have lived in Haymarket since 1996. I am sure that the council already knows my view on this subject. However, I will repeat it for the record. The two buildings that are being discussed are the last two buildings that the town has control over that have historic importance to this town. We do not want to demolish them and become another Gainesville. If the council had invested a little bit of money over the past several years this wouldn't even be up for discussion. The past several years certain council members have been crying that the sky is falling and there is no money. However, to the contrary, we have ended up with a generous surplus at the end of the year for the past two years. It would be a terrible statement to make as to the importance of this Town's history. Instead of taking the easy way out, the council needs to accept partial responsibility for the condition of these buildings and do the right thing. Keep the history in historic Haymarket.

**Mayor closes the public hearing.**

**Mayor calls the meeting to order.**

**CITIZEN'S TIME**

*No Public Comment*

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**Tobias motions to approve the minutes of April 4 and 14, 2011, as presented  
Kenworthy seconds;**

**Ayes: 6**

**Nays: 0**

Discussion on the disposition of the Hulfish House and the Red Rooster:

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**Tobias motions to appropriate up to \$20,000 from the 3.5% Reserve line item for the partial demolition of the Hulfish/Utterback/Gray Apartment House according the plans presented by the Prince William County Historical Preservation, with the caveat that the judgment from GeoCon be consulted on the salvaging of materials of this building be used toward the renovation of the Red Rooster, Scarbrough seconds;**

**Discussion:**

*Weir comments that the public comments are 2:1 in favor of demolition. The money is not there to do it. We are allowing the red rooster to go down the same road. It has been the town's failure. The reason there is a surplus, is because we haven't done anything. We couldn't stabilize it, renovate it, or demolition it. We took a poll and everyone on the Council agreed to consider demo if the State's findings came back negative. It's time to spend the money responsibly.*

*Tobias – He does think the structure should come all the way down. He thinks the finances of the town could be better spent on the Red Rooster. He does thinks that if we surgically demo the structure, we should use pieces to save portions of history, there is plenty of example where signs and pictures speak volumes to the history. He thinks the best thing to do would be to renovate the red rooster and to demolish completely the Hulfish House*

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*Scarborough*-She disagrees with Weir, her records show that seven residents are in favor of partial demolition and four are for total demolition. If you take it down we have nothing left.

*Kenworthy*-It has been an eye sore to him. He has been saying all along tear it down. Then again, we need to consider the likes of some of our residents. He would like to see the additions dismantled (partial demo) and then we can judge from there.

*Cole*-Yes, partial demo will cost more, but we will have more information to make a better informed decision. He thinks we should see what we are dealing with. He thinks we can start on both paths.

*Leake* is supporting the motion on the floor

*Kenworthy*-adds that he would like to see the red rooster renovated also.

*Weir* – We are going to be back here in 6 months. He thinks we should take a look at this from a business stand point. There will need to be an assessment

**Tobias-No, Leake-Yes, Cole-Yes, Scarborough-Yes, Kenworthy-Yes, Weir-No**

**Kenworthy**

Asks about grant money

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**Kenworthy motions to look into the renovation of the red rooster, Cole seconds;  
Kenworthy withdraws motion**

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**Tobias motions to agree to instruct the Town Manager to put out for bid the complete renovation of the red rooster building located at 15020 Washington Street to use as his basis for Request for Proposal, please refer to the proposal from GEOCon, Inc. to be reported back to the Town Council. The due date for the bids should be at the close of business (4:30) on June 24; the bids will be opened June 24 at 5:00 p.m. at the Town Clerk's office. To be considered at the July meeting, Kenworthy seconds;  
The Town Attorney recommends a bid in components or phases  
Weir suggests to use the Harrover bid as a model.**

**Call for vote Leake seconds;**

**Tobias-Yes, Leake-Yes, Cole-No, Scarborough-Yes, Kenworthy-Yes, Weir-No**

**Harrover Improvements**

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**Tobias motions to table the discussion of the potential multi-purpose court and walking trail at the Harrover properties to the continuation meeting of May 16, 2011,  
Kenworthy seconds;**

**Tobias withdraws motion, Kenworthy withdraws his second**

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**Tobias motions to discuss the proposed multi-purpose court project and proposed walking trail at the Harrover properties, Cole seconds;**

**Ayes: 6**

**Nays: 0**

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- Mayor- This started out as a small ½ court and it has gone to a larger expansion of trail and larger court. She believes Tobias wishes to take in the public comment.

**Cole** talks about the potential grant funds. The idea was to use the Harrover property as a park. It was never intended to replace other path projects.

Weir comments that putting off action is the correct thing to do. There is a lot of opposition from the public. He understands their concerns. He thinks it is incumbent upon the Town Council to provide some sort of buffering. Parking is an issue and he reminds that PACE will not be there forever.

**Tobias** comments that he agrees with Weir, he is pleased that so many turned out to give their comments about the possible improvements to Harrover. The whole idea is to get you all here and stimulate discussion. We've heard from 9 people about what to do with this property.

**Shepard of the Hills**

Bill Shiffleaum

He is representing Shepard of the Hills Lutheran Church. They are looking into the possibility of building a church at 6700 Hunting Path Road. They have reached out to the community by meeting with the Longstreet Commons Home Owners Association and speaking with other businesses. The current ordinance allows a non-profit organization.

**Mayor asks for comments from the Council:**

**Weir** states there is a distinction between non-profit and a church in the ordinance. He thinks he has made himself clear the zoning text amendment is not the acceptable way to address this use. It creates a number of issues, spot zoning, commercial property values, and tax implications. There are three ways to begin a zoning text amendment request. The Town Council or Planning Commission can initiate or the property owner can apply. The request we have on hand is for the Town Council to initiate this request.

**Tobias** asks the Town Attorney: Is our ordinance specific enough to delineate between non-profit use and church? Tobias also asks the Town Attorney about RLUIPA and if it is applicable in this matter.

The Town Attorney responds that in the great scheme of things, this is fairly new legislation. It's more if we took it away from the residential zone and the business zones. This particular situation does not come within the legislation of RLUIPA.

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**Weir moves to deny the request to initiate a zoning text amendment to allow a church to be located in the B1, Kenworthy seconds;  
Tobias-Yes, Leake-No, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes**

**Shoppes at Haymarket**

A representative of the owner has requested a zoning determination from the Town regarding signage on their property with relation to current and future changes to the sign ordinance.

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**Weir moves to adopt the Town Attorney's opinion letter of May 2, 2011 as the official zoning determination for the particular request by the Shoppes at Haymarket, from their attorney, Benjamin D. Pelton, dated March 17, 2011, Tobias seconds and reminds that the letter be forwarded to Mr. Pelton  
Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes**

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**Tobias motions to approve the Zoning Permit Application for A-La-Carte Catering, Weir seconds;  
Ayes: 6  
Nays: 0**

**Police Report**

**Tobias** asks about walking patrol. Weir asks how many times do we respond out in the county? We never take a call there. We only go when called.

**Building Official**

**Weir** wants to make sure that elevations are brought before the planning commission from here out for all developments.

\*\*Hulfish house will be discussed on the May 16<sup>th</sup> agenda

\*\*Lowery will look into Sycamore park deck complaint

**Sign Permit Application**

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**Cole moves to approve sign permit application for two signs to be located on Town Property. The purposes of the signs are to advertise upcoming events and their sponsors. Attiva Corporation will maintain the signs; Scarbrough seconds;  
Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Weir-Yes**

The Town Attorney asks about the lease for events to Mr. Kennedy.

\*\*May 16 meeting for in-home SUP vote

**Treasurer's Report**

Street-scape property payments

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**Tobias moves to modify the FY 2011 Public Safety budget with the following line item changes:**

**Reduce advertising from \$1,000 to \$500, increase the equipment rental from \$2,000 to \$2,500; office supplies reduce from \$4,000 to \$3,500, and increase uniforms \$1,500 to \$2,000, Weir seconds;**

**Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Weir-Yes, Kenworthy-Yes**

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\*\*May 12 public hearing for budget

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**Tobias motions to enter into closed session for item pursuant to 2.2-A1 performance of named town employees and officers and under A7 consultation with Town Attorney specific legal,**

**Roll Call:**

**Tobias-Yes, Leake-Yes, Cole-Yes, Stutz-Yes, Scarbrough-Yes, Weir-Yes, Kenworthy-Yes**

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

**Tobias-Yes, Leake-Yes, Cole-Yes, Stutz-Yes, Scarbrough-Yes, Weir-Yes, Kenworthy-Yes**

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**Tobias motions to continue the May 2, 2011 meeting to May 16, 2011, Scarbrough seconds;**

**Ayes: 6**

**Nays: 0**

Submitted:

Approved:

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Jennifer Preli, Town Clerk

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Pamela E. Stutz, Mayor