

Town of Haymarket – Town Council Meeting
15000 Washington Street-Haymarket, VA 20169
Monday, June 6, 2011 – 7:00 p.m.
Mayor Pamela E. Stutz

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

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

Mayor turns over the Public Hearings to Chair Rebecca Bare, Planning Commission

Bare calls the Planning Commission public hearings & special meeting to order at 7:04 p.m.

ROLL CALL: Bare, Ivancic, Weir, Jarboe

Bare, Jarboe, Ivancic, Weir

Public Hearing – Creation of the Commercial Transitional (CT) Zoning District

To summarize, in 2008 the Town updated its Comprehensive Plan and adopted it accordingly. The 2008 Comprehensive Plan proposed a Commercial Transitional District (*map attached*) and adopted this zone on its future land use map (included in the CP). The text for this zone had not yet been created. At its May 2011 meeting, the Planning Commission forwarded the *attached* proposed text for the CT District. Ms. Bare reminds all that this item has been on the agenda since February 2009. She opens up the this public hearing for comment

1st Call in favor, 2nd Call, 3rd Call for those in favor of the proposed CT Zoning District text amendment

No public comment

1st Call opposed, 2nd Call, 3rd Call for all those opposed to the proposed CT Zoning District text amendment

No public comment

Public Hearing – Amendment to the Town's Fee schedule

1st Call in favor of the proposed amendments to the Town's fee schedule, 2nd Call, 3rd Call

No public comment

1st Call opposed to the proposed amendments to the Town's fee schedule; 2nd Call, 3rd Call

No public comment

Public Hearing - Historic Overlay District

To summarize, the Planning Commission has recommended a reduction of the Town's Historic District. The proposal removes neighborhoods that are within homeowner's associations that would be guided by the covenants of the HOA. In addition the planning Commission has removed Madison Street & Madison Court in their proposal. The ARB has voted to recommend the Planning Commission's proposal with the exception of Madison Street & Court.

1st Call of those in favor of the proposed modifications to the Historic District Boundaries of the Town (attached).

No public comment

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1st Call of those opposed to the proposed modifications to the Historic District Boundaries of the Town; 2nd Call, 3rd Call:

Pam Swinford – 6852 Jockey Club Lane

She wants to make it clear that the ARB is not opposed to removing the neighborhoods that lie within a Homeowner's Association. She is concerned about Madison Street & Madison Court not being included in the Historic District as proposed by the Planning Commission.

Heather Ring

She comments that if you are subject to architectural guidelines from an HOA, you shouldn't have any additional requirements from the Town. She is in favor of the proposed changes to the Town's historic district

Bare calls the special meeting of the Planning Commission to order

Weir moves that the Planning Commission forward the proposed Commercial Transitional District Text Amendment, Chapter 58 (136-145), to the Town Council with a recommendation of approval, Jarboe seconds;

Ayes: 4

Nays: 0

Weir moves that the Planning Commission forward the proposed recommended changes to the Town's Fee schedule to the Town Council with a recommendation of approval, Ivancic seconds;

Ayes: 4

Nays: 0

Weir moves that the Planning Commission forward the zoning text amendments for revisions to the Town's historic district boundaries, Jarboe seconds;

Ayes: 3

Nays: Ivancic

Weir moves to adjourn the special meeting of the Planning Commission, Jarboe seconds;

Ayes: 4

Nays: 0

Mayor calls to order the public hearing for the Commercial Transitional District

1st Call in favor, 2nd Call, 3rd Call for those in favor of the CT Zoning District
No public comment

1st Call opposed, 2nd Call, 3rd Call for all those opposed to the creation of a CT Zoning District
No public comment

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Mayor calls to order the public hearing for the revised fee schedule

1st Call in favor of the proposed amendments to the Town's fee schedule, 2nd Call, 3rd Call
No public comment

1st Call opposed to the proposed amendments to the Town's fee schedule; 2nd Call, 3rd Call
No public comment

Mayor calls to order the public hearing for the proposed Historic Overlay District Boundary changes

1st Call in favor of the proposed amendments to the proposed amendment to the Town's Historic District Overlay Boundaries, 2nd Call, 3rd Call
No public comment

1st Call opposed to the proposed amendments to the proposed amendments to the proposed amendment to the Town's Historic District Overlay Boundaries; 2nd Call, 3rd Call
No public comment

Mayor asks that the record reflect that the Ms. Ring's comments and Ms. Swinford's comments be noted in the Council's public hearing. Please see their comments on page 1 during the Planning Commission's public hearing.

Mayor calls the to order the public hearing that proposes no parking on the east side of Hunting Path Road

1st Call in favor of the proposed no parking restriction at all times on the east side of Hunting Path Road, 2nd Call, 3rd Call

Bare – Longstreet Commons

She believes it is a safety issue on this road and supports this restriction; two cars cannot pass on the road at the same time when cars are parked on both sides of Hunting Path.

1st Call in favor of the proposed no parking restriction at all times on the east side of Hunting Path Road, 2nd Call, 3rd Call
No public comment

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Mayor calls the Town Council Meeting to order

Citizen's Time

Letter from Maria Turner – Councilman Tobias reads aloud an email from Ms. Turner of 06-06-2011.

My daughter was in town and we walked to Bloom with the baby in a stroller. We were returning to my home traveling south on Fayette on the sidewalk. A vehicle was traveling north on Fayette and we could hear it approaching. At the point where the St. Paul's old parsonage parcel begins, a second vehicle (SUV) also traveling north passed the original north bound vehicle at a high rate a speed. This is a totally blind curve and narrow even for 2 vehicles and had there been a collision we would have been involved. My daughter said to me this road is really not safe and proceeded to relate to me that when she borrowed my car to get her nails done at the Bloom shopping plaza she was almost hit leaving my driveway. We then continued to walk south on Fayette but felt safer walking the sidewalk within the church property until we had to cross the street to get to the east side. As we got to my driveway the resident that purchased Linda Landwehr's house shouted at a passing vehicle 'slow down' (they didn't).

I am really not home that much and shudder to think what happens on a daily basis that I don't see.

Minutes

Tobias motions to approve the minutes dated May 2, May 12, & May 16, 2011, with the corrections already provided to the Clerk, Kenworthy seconds;

Ayes: 5

Nays: 0

Absent: Cole

Special Use Permit

Tobias motions to approve SUP20110321 and ZP20110321 for JKS Trucking for an in home occupation to be located at 14904 Greenhill Crossing Drive

Weir seconds;

Tobias-Yes, Leake-Abstain, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes, Cole-Absent

Building Official's Report

- Tobias asks about Haymarket Self Storage and the work that is going on behind the building. The Town Manager will send a letter to the owner of record for the grading.
- Humphrey's property – stockpiling debris. Town Manager will work with Soil Conservation on this matter.
- Tobias asks if Mr. Lowery is satisfied with the safety fence at 6707 Fayette. He is satisfied.

Police Report – Chief James E. Roop

- Trailblazer – department would like to keep it for DUI checkpoints
- Auxiliary police. The Chief would like to keep the reserves that he has.

Trailblazer (seized vehicle) will not be marked

Treasurer's Report

**income and expenses for Street-scape will be transferred before June 30, 2011.

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Fiscal Year 2012 Budget

Discussion about small changes to the museum proposed budget

Ms. Ivancic has proposed a reduction of \$4,055 in her budget; we can now reallocate those funds elsewhere.

**Tobias motions to approve the 2012 operating and capital budgets in the amount of \$2,623,453 and its supporting tax rates; Scarbrough seconds;
Tobias-Yes, Leake-No, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes, Cole-Absent**

For the record: Leake does not support an increase in the expenses for public safety that are reflected in this budget.

**Tobias moves to adopt the Real Property Tax rate of \$.164/\$100 Assessed value,
Weir seconds;
Tobias-Yes, Leake-No, Scarbrough-Yes, Kenworthy, Weir-Yes, Cole-Absent**

**Tobias moves to adopt Business Tangible Personal Property Tax Rate of \$.60/\$100
Assessed Value, Weir seconds;
Tobias-Yes, Leake-Yes, Scarbrough-Yes, Kenworthy Yes, Cole-Absent, Weir-Yes**

**Tobias moves to adopt the 2012 Cigarette Tax of .50/pack, Leake seconds;
Tobias-Yes, Leake-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-No, Cole-Absent**

**Tobias moves to adopt vehicle license tax of \$15.00, Weir seconds;
Tobias-Yes, Scarbrough-Yes, Leake-Yes, Kenworthy-Yes, Weir-Yes, Cole-Absent**

**Tobias moves to adopt the 2012 Meal's Tax Rate of 4.0%, Scarbrough seconds;
Tobias-Yes, Leake-Yes, Scarbrough-Yes, Kenworthy-no, Weir-No, Cole-Absent**

Continuation meetings

Mayor comments that she feels if we have a continuation meeting it should be strictly a work-session. It is not fair to continue matters of interest to the public to a date that is not preadvertised.

Leake and Scarbrough think we should be able to get through all materials in one meeting. Tobias and Weir comment that other council members do not seem prepared. Mayor would like to try a couple of months without a second meeting; if it does not work then we will institute a work-session.

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Line of Duty Act (LODA)

The state has mandated that the localities pay the LODA premiums beginning July 1, 2011. The Town Manager informs that the Town has a year before we lock in with one plan or another. Larger governments are self funding.
**The Town Manager will provide updates as they are provided to us. For now we will stay with the state.

Contract with Burgess & Niple

Burgess & Niple can no longer provide the type of engineering that we need for the street-scape program. They have proposed to sub-contract this service.

**Scarborough motions to approve the Burgess & Niple amended contract subject to final review by the Town Attorney, Weir seconds;
Tobias asks how quickly the Town Attorney can turn it around? He responds 5 business days;
Tobias-Yes, Leake-Yes, Scarborough-Yes, Kenworthy-Yes, Weir-Yes, Cole-Absent**

Hulfish House & Tobias appeal of the Certificate of Appropriateness for full Demolition

The contractor is very pleased with the condition of the house after removal of the added buildings. The Town Council has advertised a public hearing with all options with respect to this house. Council elected not to pursue full demolition.

**Scarborough motions to reject Councilman Tobias' appeal of the Certificate of Appropriateness for full demolition of the Hulfish house that the ARB denied, Kenworthy seconds;
Tobias-No, Leake-Yes, Scarborough-yes, Kenworthy-Yes, Weir-Yes**

**Fee schedule for July agenda

Town Manager's Report

- Deputy Chief Breeden has requested the wood stove insert that is located at the Police Department building for his personal home. The Town manager recommends that we not allow it. **July agenda.
- Street sweeping update – could be as early as next week.
- Winterham bonds – Still working with the Town Attorney on that matter. Tobias asks for an ETA. TA would like to discuss in closed session
- The Town Manager has been in touch with Comcast with regard to purchasing Video/Audio equipment. There may be something they can do for us. The Town Attorney will review the franchise agreement.
- Mayor and Tobias will get together this week to discuss the Harrover properties

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- We have a potential tenant for the Red Rooster that is willing to put out some renovation monies if we can cut a lease deal. The Town would do the exterior and foundation, tenant could possibly do the interior.
- **July update on retirement health insurance
- **July update on Fines
- The Town Manager informs that there are some repairs that need to be done in the tenant space for The Very Thing; he is getting an updated bid from RLS Construction.

Tobias motions to appropriate up to \$6,000 for the repairs, due to storm and water damage, to the tenant space at 15000 Washington Street occupied by The Very Thing, monies should come from the Town Center Property maintenance line item, the Town Manager has his discretion on the bidder, Scarbrough seconds; Tobias-Yes, Leake-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes, Cole-Absent

**Look into parking lot solutions

**Council requests that staff inform Gainesville, Antioch, and Evergreen fire stations they each have 1/3 of the FY2011 ATL Fire Funds (total of \$7,200) **July status update

- Town Hall usage – The Town Manager recommends that we either don't rent it at all or we go full force. **July update

**Recycling toters are 60-90 days out, late August, possibly September

**Weir would like staff to contact previous parties that were interested in serving on Town boards and inform them of the current vacancies

**Board vacancies as an agenda item for July

**Weir would like a comprehensive take on what we can and cannot do with Fayette Street traffic issues, please place on July Agenda

Weir motions to enter into closed session pursuant to 2.2-3711 A(3) acquisition of property for public purposes; A(3) Town Leases A(7) Zoning administrators' opinion A(7) legal advise related to the Winterham bonds; 15.2-2907 (D) boundary adjustments and/or annexation and A(1) named town employees (29) expenditure of public funds, namely grant monies, equipment monies, and Fire Marshall duties

Tobias seconds;

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

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

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

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Tobias motions to appropriate up to \$2,500 from the line item Public Works/Street Maintenance for the purchase of no-parking signs and their installation. Signs should be VDOT approved, Weir seconds;

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

**There is question whether or not the Planning Commission can initiate the historic district revisions. Can the PC initiate a zoning text amendment without a referral from the Town Council?

Weir moves to adjourn, Tobias seconds;

Ayes: 5

Nays: 0

Absent: Cole

Submitted:

Approved:

Jennifer Preli, Town Clerk

Pamela E. Stutz, Mayor