

Haymarket Town Council
15000 Washington Street, #100~Haymarket, Virginia 20169
Tuesday, September 6, 2011
Mayor Pamela E. Stutz

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

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

Mayor defers to Chair Rebecca Bare to call the Planning Commission Public Hearing to order:

Planning Commission Public Hearing

Roll Call:Ivancic, Jarboe, Bare, Weir

Chair Bare calls the PC Public Hearing to order for Steven's Lawn Care for a special use permit to allow and in-home business at 14950 Washington Street.

Chair calls for anyone in favor of the application who would like to speak

No public comment

Chair calls for anyone opposed to the application who would like to speak

No public comment

**Jarboe motions to forward Steven's Lawn Care Special Use Permit #SUP20110729
with a recommendation of approval with the following restrictions:
No storage of trailers and business equipment anywhere visible on the property or
street, all business equipment must be contained inside the garage, and no
maintenance of any business equipment allowed except in the garage;**

Ivancic seconds;

Ayes: 4

Nays: 0

Weir motions to adjourn the special meeting of the Haymarket Planning Commission,

Jarboe seconds;

Ayes: 4

Nays: 0

Town Council Public Hearing

Mayor Stutz calls the Town Council Public Hearing to order for Steven's Lawn Care for a special use permit to allow and in-home business at 14950 Washington Street, #SUP20110729

Mayor calls for anyone in favor of the application who would like to speak

No public comment

Mayor calls for anyone opposed to the application who would like to speak

No public comment

Presentation

The Haymarket Quilters presents a quilt to the Town. The quilt demonstrates their appreciation to the Town of Haymarket for use of the facilities.

Citizen's Time

Sheila Jarboe – Jefferson Street

She recommends that we put it behind glass or Plexiglas to preserve the quilt that the Haymarket Quilters have made for the Town.

Chuck Carnahan – 6654 Hunting Path Road

He is still waiting to hear about the "plan". We need a plan; he has said this over and over for years.

Minutes

Tobias motions to approve the minutes of August 1, 2011, Weir seconds;

Ayes: 6

Nays: 0

**Weir moves to approve SUP20110628 for an in-home business to be located at 6880 Jockey Club Lane, pursuant to Haymarket Code Section 58-98, Tobias seconds;
Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes**

Weir motions to table SUP20110729 for Steven's Lawn Care to the continuation meeting of September 19 and that the clerk notify the applicant of the changes that the Planning Commission has recommended;

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

Commercial Transitional Zoning District

Tobias motions to advertise a public hearing for the October 2011 meeting for the text for the Commercial Transitional Zoning District, Weir seconds;

Ayes: 6

Nays: 0

**Weir moves to reschedule the October 3 Town Council meeting to October 5, 2011
Tobias seconds;**

Ayes: 6

Nays: 0

Haymarket Post Office

Five bids were received; only one of those five was closely responsive to the RFP. There was a lot of interest in the work, but there was concern about the potentials issues of the building.

The Town Manager hands out a proposal from a potential tenant

Tobias: His initial thoughts are let's make the buildings "look good".

Leake: Agrees with Tobias, but he adds that the roof be dealt with right away and that we stabilize the building.

Cole: Perhaps we should consider building a replica.

Scarborough: She wants it stabilized and looking good, but also recommends that we install an HVAC system as soon as possible.

Kenworthy: He agrees with Scarborough, but thinks the foundation is a priority

Weir: We told the residents we would fix these building. Foundation work alone from True Built is \$90,000. He thinks we've underestimated the repair costs of this building. Weir thinks we either need to pay up and fix it, or change our course of action.

Mayor: Believes the intent of Council was to restore and use the property. Weir agrees.

Tobias motions to table discussions of the renovation of the Old Haymarket Post Office until the continuation meeting of September 19, 2011, Weir seconds

Discussion:

Tobias – This will give us time to talk to the contracts about specifics. Propriety and procedure for council to speak with contractors, JCB says it can be done. Mayor would like clarification from the contractors.

Have the council give all questions to the TM and he will present to the contractors and try to have answers for the 19th. Weir would like us to get a number from Vintage.

Ayes: 6

Nays: 0

Hulfish House

Tobias moves to table discussion of the Hulfish House to September 19, 2011, Weir seconds;

Ayes: 6

Nays: 0

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Scarbrough motions to hire a structural engineer to create a scope of work and provide a structural analysis on both the Haymarket Post Office and the Hulfish House, in an amount not to exceed \$5,000, funds to be taken from the Town Center Property line item, Kenworthy seconds;
Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes

Induction Lighting

Tobias motions to hire Environmental Lighting Solutions, LLC to retrofit up to sixty (60) Washington Street lights from metal halide to induction lighting in an amount not to exceed \$27,000, Weir seconds;
Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes

Surplus Property Policy

Tobias would like a report made to council on what items were disposed of, he wants an audit trail. Part of the policy should be that the person obtaining the item cannot resell it.

Tobias moves to accept and approve the surplus property policy with the recommended changes, Cole seconds;
Tobias-Yes, Leake-Yes, Cole-Yes, Kenworthy-Yes, Weir-Yes

Police Cruisers

Tobias motions to approve the appropriation from Sheehy as presented with the understanding that the council will make a determination at the 09/19/2011 meeting whether or not to lease or finance, Weir seconds;
Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes

**The old 1998 cruiser will be retired.

Police Report

Tobias asks about calculations of stats; he would like to know what makes up the 375 complaints in future police reports.

Planning Commission Vacancy

Tobias motions to nominate Ralph Ring to the Planning Commission, Weir seconds;
The Town Attorney comments that this motion cannot be brought forward again; he was nominated and voted down.

Building Official's Report – James Lowery

Weir comments that a resident has raised some issues with grading at Sherwood Forest. Mr. Lowery comments that the Town Engineer and VDOT are reviewing this matter.

Planning Commission Vacancy (continued)

The Mayor asks the Clerk if she has found the date that the motion was made to appoint Ralph Ring the Planning Commission. Clerk responds July 5, 2011, then reads aloud the motion.

Tobias withdraws the motion of July 5, 2011, Weir withdraws seconds

Weir moves to strike the motion, Tobias seconds;

**Town Attorney will review; proceed with Town Manager's Report

Town Manager's Report – Gene Swearingen

- Telephone System – October agenda
- Sidewalks – Repairs have been made in front of Haymarket Station. Those repairs are temporary. Two companies have looked at the project. He hopes to have something back from them in the next couple of days. **Share with Weir when received

Town Attorney opines on the Planning Commission appointment motion. He comments that what is being asked is to reconsider this motion
Weir withdraws his motion to strike

Weir motions to suspend the rules, Tobias seconds;

Discussion: Tobias – we have attempted to get additional applicants, he thinks we should reconsider.

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

**Mayor asks that each council member try to get people interested in serving on the PC

Town Manager's Report – (Continued)

- VDOT Projects. **He will send out to Town Council. They agree to put the bicycle and pedestrian lanes on the western side of the bridges at Jefferson & Catharpin. The same with Catharpin. Noise is a concern that has been expressed by Haymarket residents. There is an environmental study going on that encompasses that. **Inform all HOAs involved.
- Environmental Impact Study – I-66
- Active Traffic Management & Demand Study
- Recording System will be on the **19th
- Mayor would like us to put together a candidates night for the upcoming November elections.

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Hunter @ Haymarket

There is a Comp Plan amendment that went with this, now we are at the rezoning stage. County staff report recommends approval.

Tobias motions: WHEREAS, Prince William County has received CPA PLN 2009-00267 and REZ PLN 2010-00182, Hunter at Haymarket; and WHEREAS, The Town of Haymarket forwarded comments in opposition to both on January 30, 2009 and May 20, 2010; and WHEREAS, the Prince William County Office of Planning has denoted an existing office building to the north of the site; and WHEREAS, The Town Council of the Town of Haymarket considers that the proposed comprehensive plan amendment and zoning designations do not represent compatible or coordinated development along the Route 15 corridor; and WHEREAS, the General Assembly has granted the Town of Haymarket Town Council in the Town Charter the right to approval "all plats and replats hereafter made subdividing any land within the town or within one (1) mile thereof, into streets, alleys, roads and lots or tracts" (Town Charter, Article VII, Sect 1, (3)), and whereas, no application for any such platting or replatting has been submitted to the Town of Haymarket as required by the Acts of Assembly, and both applications ultimately necessarily involve the platting or replatting of land as stated above; and WHEREAS, the Prince William County Office of Planning in its Staff Reports dated August 30, 2011 asserts in part that "the proposed development will be compatible with the more dense planning and zoning to the north" and consistent with the Long-Range Land Use Plan; and WHEREAS, the Prince William County Office of Planning has been apprised by the Town of Haymarket on several occasions that no office buildings exist to the north of the site; and WHEREAS, the parcels immediately to the north of the site are in fact occupied by a cement plant, Conservation Area, and industrial park consisting of buildings less than two stories, thus making the proposed plans **inconsistent** with the Long-Range Land Use Plan; and WHEREAS, no commercially planned areas (i.e. CEC, REC, etc.) exist along the east side of Route 15; and WHEREAS, the project inserts high-intensity commercial office development between planned low-density residential development within Prince William County and planned environmental conservancy and limited industrial areas within the Town of Haymarket; and WHEREAS, the project is geographically isolated from other planned development within the area and is to be developed without access to onsite employment-supportive uses; and WHEREAS, the Staff Reports dated August 30, 2011 have inconsistently identified proposed Building Materials as a both as strength and a weakness and in various places as of "high quality" and "not high quality" materials; and WHEREAS, the Staff Reports dated August 30, 2011 note that "as proffered, the majority of the site, can be laid out substantially differently from what is shown on the illustrative plan"; and WHEREAS, the Staff Reports dated August 30, 2011 note that as the applicant has not provided architectural details "it is not possible to determine if the development will meet the objectives set forth in the *Illustrative Design Guidelines for Office Development*" and thus unclear if the building design is sensitive to the transitional character of the area ; and WHEREAS, the applicant has requested a building height modification up to 80 feet above grade, a modification that would be "out of character for the area", which statement is hereby adopted by the Town; and WHEREAS, the applicant has not committed to the landscape requirements of either the Highway Corridor Overlay District or those designed to preserve the rustic environment of the "Journey Through Hallowed Ground"; and WHEREAS, approval of the rezoning request would add 421,000 square feet of non-residential development to an existing inventory more than 3 million square feet of approved yet unbuilt non-residential development within one mile of the site; and WHEREAS, the addition of 421,000 square feet of non-residential development to the inventory would further depress local commercial property values and prove detrimental to the economic growth of both the Town of Haymarket and Prince William County; and WHEREAS, the applicant has proposed access to Route 15 in a manner that is prohibited in the Prince William County Comprehensive Plan; and NOW, THEREFORE, BE IT RESOLVED that the foregoing recitals are hereby adopted and resolved and that the Town of Haymarket recommends the Prince William County Planning Commission recommend denial of both CPA PLN 2009-00267 and REZ PLN 2010-00182, Hunter at Haymarket, and further, such application cannot be approved as no proper approval has been obtained from the Town Council in accordance with the Acts of Assembly and any purported approval without approval by the Town of Haymarket would be void and any plat not recordable among the land records of Prince William County, **Weir seconds;**

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

**Clerk to send to the Board of County Supervisors; County Attorney; Director of Planning; and County Planning Commission

Haymarket Woman's Club Election Luncheon

They would like to use the facility during operating hours, which is a violation of our policy.

Council Members' Time

Cole – First major step for the Quiet Zone for the Train Horn has been completed. The Town Council will need to be ready to buy signs once the grade crossing is completed in Gainesville.

He reads aloud an email from School Board member Don Richardson regarding PACE. This member is not in favor of BOCS selling this property to a residential developer; though he is not necessarily opposed to a commercial development on this site, if some open space is preserved.

Kenworthy – He would like the light in front of Giuseppe's fixed

Weir - He would like to discuss the Line of Duty Act. He comments that in light of the \$500+ million dollar surplus in the Commonwealth, he would like to see the Line of Duty Act funding be shifted back to the Commonwealth

Weir motions WHEREAS, in 1975, the General Assembly enacted the Line of Duty Act (LODA), Title 9.1 Chapter 4 of the Code of Virginia; and WHEREAS, prior to July 1, 2011, funding for LODA was the obligation of the Commonwealth of Virginia and paid from the General Fund; and WHEREAS, the 2010 Appropriation Act transferred said obligations to local governments; and WHEREAS, said obligation constitute an unfunded mandate by the General Assembly; and WHEREAS, on August 18, 2011 Governor McDonnell announced that the Commonwealth had posted a surplus of \$544.8 million Fiscal Year 2011; and WHEREAS, said surplus is due in part to the transfer of the LODA obligation from the Commonwealth's General Fund to local governments; and WHEREAS, the Town Council of the Town of Haymarket considers that as a result of the Fiscal Year 2011 surplus the General Assembly thus has an ethical obligation to restore funding for LODA from the General Fund, and reimburse local governments for the current years LODA obligation; **NOW, THEREFORE, BE IT RESOLVED** that the Town of Haymarket recommends the General Assembly restore funding for LODA from the General Fund, and reimburse local governments for the current years LODA obligation, **Tobias** seconds;

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

Weir motions **WHEREAS**, section 15.2-2223.1(B) of the Code of Virginia requires that any locality that has population growth of 15 percent or more, shall, amend its comprehensive plan to incorporate one or more urban development areas; and **WHEREAS**, the current provisions of 15.2-2223.1(B) require additional professional staff to draft, enact and enforce the requirements of the subsection; and **WHEREAS**, the Town of Haymarket would have to expend a substantial amount of its limited resources to engage such professional staff; and **WHEREAS**, the Town of Haymarket recently revised its Comprehensive Plan; and **WHEREAS**, the Town of Haymarket would have to expend a substantial amount of its limited resources to bring its Comprehensive Plan into concordance with the current provisions of 15.2-2223.1(B); and **WHEREAS**, in a jurisdiction as limited in size and population as the Town of Haymarket, there is not enough vacant and/or unplanned acreage available to comport with the requirements of the section without dramatically altering current land use and/or the character of the Town; and **WHEREAS**, concordance with the subsection would conflict with the Town of Haymarket's Historic Overlay District, adopted in accordance with section 15.2-2306 of the Code of Virginia; and **WHEREAS**, the current provisions of 15.2-2223.1(B) thus place an undue burden on small jurisdictions such as the Town of Haymarket; and **WHEREAS**, the Town Council of the Town of Haymarket deems it advisable to recommend that section 15.2-2223.1(B) be amended as follows: Every locality that has adopted zoning pursuant to Article 7 (§15.2-2280 et seq.) of this chapter and that (i) has a population of at least 20,000 and population growth of at least five percent or (ii) any county, city, or town with a population in excess of 3,500 persons that has population growth of 15 percent or more, shall, and any locality may, amend its comprehensive plan to incorporate one or more urban development areas; **NOW, THEREFORE, BE IT RESOLVED** that the Town of Haymarket recommends such amendment of section 15.2-2223.1(B), Tobias seconds;

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

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**Tobias motions to continue the regularly scheduled meeting of September 6, 2011 to
September 19, 2011 at 7:00 pm, Weir seconds;**

Ayes: 6

Nays: 0

Submitted:

Approved:

Jennifer Preli, Town Clerk

Pamela E. Stutz, Mayor