

Haymarket Town Council - Mayor Pamela E. Stutz
15000 Washington Street, #100-Haymarket, Virginia 20169
Wednesday, October 5, 2011

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

Roll Call

Tobias, Leake, Stutz, Scarbrough, Kenworthy, Weir

Planning Commission Public Hearings

Roll Call

Ivancic, Jarboe, Bare, Weir

Chair Bare calls the PC Public Hearing to order for the Transitional Commercial Zoning District text:

Chair calls for anyone in favor of the proposed text who would like to speak
No public comment

Chair calls for anyone opposed to the proposed text who would like to speak
No public comment

Chair Bare calls the PC Public Hearing to order for the Town initiated zoning text amendments. The code sections proposed to be amended are 58-1 Definitions; 58-11 Minimum off-street parking; 58-12 zoning of annexed area; 58-257 (16) Use regulations; 58-470 Appeal procedure:

Chair calls for anyone in favor of the proposed text changes who would like to speak
No public comment

Chair calls for anyone opposed to the proposed text changes who would like to speak
No public comment

Weir moves to forward to the Town Council the Town initiated zoning text amendments with a recommendation of approval, Jarboe seconds; Bare-Yes, Ivancic-Yes, Jarboe-Yes, Weir-Yes

Weir moves to forward the Transitional Commercial zoning district text to the Town Council with a recommendation of approval, Jarboe seconds; Bare-Yes, Ivancic-Yes, Jarboe-Yes, Weir-Yes

**Jarboe moves to adjourn the special meeting of the Planning Commission at 7:04 p.m., Weir seconds;
Ayes: 4 Nays: 0**

Town Council Public Hearings

Mayor Stutz calls the Public Hearing to order for the Town initiated zoning text amendments. The code sections proposed to be amended are 58-1 Definitions; 58-11 Minimum off-street parking; 58-12 zoning of annexed area; 58-257 (16) Use regulations; 58-470 Appeal procedure.

Mayor Stutz calls for anyone in favor of the proposed text changes who would like to speak
No public comment

Mayor Stutz calls for anyone opposed to the proposed text changes who would like to speak
No public comment

Mayor Stutz calls the PC Public Hearing to order for the Commercial Transitional Zoning District:

Mayor Stutz calls for anyone in favor of the proposed district who would like to speak
No public comment

Mayor Stutz calls for anyone opposed to the proposed district who would like to speak
No public comment

Citizen's Time

No public comment

Minutes

Tobias moves to approve the minutes of September 6, 2011, Weir seconds;
Ayes: 6 Nays: 0

Tobias motions to approve the minutes of September 19, 2011, Weir seconds;
Ayes: 5 Nays: 0 Abstain: Cole

Zoning Permit Application

Weir moves to approve the zoning permit application #ZP20110817 for assembly of electrical appliances, electronic instruments and devices for David Kamm to be located at 6608 James Madison Highway in accordance with Section 58-257 (1) of the Town Code, Tobias seconds;
Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes

Haymarket Regional Food Pantry

**Weir moves to approve the lease extension for the Haymarket Regional Food Pantry to be located at 14740 Washington Street; new lease will run through January 1, 2014, Tobias seconds;
Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes**

15150 Washington Street – General Development Plan

Mr. Guy Gravett is representing the land owner, BM Smith & Associates. This parcel is 20.98 acres and is currently the largest parcel of undeveloped land in the Town. The development plan proposes 68,875 square feet of retail; 77,700 square feet of office; 250,293 square feet of residential (260 units); Lot coverage proposed is less than 70%; and there are 1,406 parking spaces proposed (1390 required by code).

Cole: How tall are the 3 story buildings? Less than 35'.

Weir: Our ordinance does not currently allow the apartment use, we would have to do a waiver or text amendment. Mr. Gravett explains that they are introducing a concept and they have not done the traffic studies or fully engineered the project yet. Weir reminds about the improvements at 15 & 55, Weir is concerned about possible condemnation proceedings. Weir's initial gut reaction is he is not particularly amenable to the apartment use.

Cole: Thinks they have some good ideas

Leake: Likes the plan

Tobias: asks about the types of retail and office. Mr. Gravett explains that there should be a lot of medical use. Green space is greater than 30% of the site.
Cole asks if the target would be retirement for the apartments. Mr. Gravett responds that the median rental will be around \$1,700/mo.

Mayor asks about bedrooms, they will be larger units, they will be heavier on the 2's & 3's, and lighter on the 1's. Mayor asks about the sound barriers.

The Town Attorney comments that a plan such as this creates excellent opportunities for both the land owner and the Town.

Commercial Transitional Zoning District

**Weir moves to defer the Commercial Transitional Zoning District agenda item to the October 24 continuation meeting, Kenworthy seconds;
Ayes: 6 Nays: 0**

Planning Commission Vacancy

Tobias moves to defer the agenda item of Planning Commission Vacancy to October 24, 2011, Cole seconds;

Ayes: 6 Nays: 0

Building Official – James R. Lowery, Jr.

Weir moves to defer the Building Official's report to the continuation meeting of October 24, 2011, Tobias seconds;

Ayes: 6 Nays: 0

Police Report – Chief James Roop

Cole moves to appoint the Chief James Roop to the Bull Run ASAP policy board, Scarbrough seconds;

Ayes: 6 Nays: 0

Chief thanks Councilman Kenworthy for his contribution for the children's police badges. He donated approximately \$490 for the purchase of these items.

Cruiser Purchase

Tobias recommends that the Town refinance the existing two 2009 police cruisers and also finance the new vehicle all together as a bundle. The auditors commented that we could do either finance or purchase, but the auditors are not aware of the potential upcoming financial commitments.

Tobias motions to instruct the Clerk to advertise a public hearing for two options of purchasing a new police cruiser; 1st option being a refinance of the two 2009 cruiser and the new 2011 cruiser as a bundle; the 2nd option being an outright purchase of the 2011 cruiser, Weir seconds;

Ayes: 6 Nays: 0

Haymarket Day police officers' food will be under the Events expense line item of the budget.

Closed Session

Tobias motions to enter into closed session pursuant to 2.2-3711 A(29) for discussion the award of a public contract, namely a contract for public events in the Town to be handled by ATTIVA Corporation, 15.2-2907 (B) matter relating to possible annexation 2.2-3711 (A) (7) legal advise pertaining to a certain town charter provision.

Weir motions that the Council of the Town of Haymarket does hereby certify that to the best of each member's knowledge, only public business matters lawfully exempt from the open meeting requirements by Virginia law were discussed in the closed session, to which this certification applies, and only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by Council, Scarbrough seconds;
Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes, Stutz-Yes

Treasurer's Report – James Naradzay

Tobias motions the following 2nd Quarter Appropriations:

\$215,799 Capital Improvements & Repairs
\$3,375 Events
\$68,340 Operating Expenses
\$21,850 Public Safety
\$27,525 Public Works
\$51,698 Town Owned property
Leake seconds;

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

EVENTS CONTRACT

Tobias moves that the town adopt the contract dated October 5, 2011 between Town of Haymarket and ATTIVA Corporation, the contract is to be valid through December 31, 2013,

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

Tobias further move that the town provide written approval to ATTIVA to allow for the Oktoberfest to be held on October 22, 2011 with the stipulation that should ATTIVA succeed in gaining an ABC license there will be a uniformed security officer, certified by DCJS or a police officer, not employed by the Town, at the beer garden area at all times, Cole seconds;

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

Tobias moves that the Town respectfully deny the request from ATTIVA Corporation for a refund of stipends already paid, totaling \$1,000, Leake seconds;

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

Tobias motions that for any event specifically called out in the events contract, the TC hereby suspends the collection of food tax by paying food vendors for the day of the events, Kenworthy seconds;

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

Developments outside of the Town

Weir moves that the Town Council task the Planning Commission with drafting zoning text amendment to apply the Town subdivision ordinances and review processes to all properties within 1 mile of the town, Kenworthy seconds; Tobias-abstain, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes

Weir moves that the Town Council instruct the Town Attorney to forward a letter to the PWC Board of County Supervisors Chairman, County Attorney, and Clerk of the Circuit Court regarding the recordation of subdivision plats for Landbay 3 Market Center @ Haymarket. The letter should be from the Mayor, Tobias seconds; Discussion: Why are we limiting it to that project? Please add a requested response date of Friday October 14, 2011

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

Weir motions to instruct the Town Attorney to contact the Prince William County Attorney to ascertain the county's position on the validity of the current site plan for Market Center @ Haymarket Land Bay 3 given the county's zoning administrators determination of June 11, 2007 and September 5, 2007 which seem to significantly alter the proffers of PLN2002-00017, Leake seconds; Discussion: Tobias asks the Town Attorney how much research will be involved. Mr. Bennett responds probably around 4-5 hours

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

Cole motions to instruct the Clerk to advertise a public hearing for October 24, 2011 to solicit input from town residents on the proposed Wal-Mart Supercenter to be located at the intersection of Routes 15 & 55, Leake seconds;

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

Scarbrough motions to continue the regularly scheduled meeting of October 5, 2011 to October 24, 2011, Kenworthy seconds;

Ayes: 6 Nays: 0

Submitted:

Approved:

Jennifer Preli, Town Clerk

Pamela E. Stutz, Mayor