

Haymarket Town Council Continuation Meeting of October 4, 2004

October 18, 2004

15016 Washington Street, Haymarket, VA 20186

Mayor David P. Taylor

Mayor asks town attorney to reiterate and interpret The Freedom of Information Act to council at a later date.

Lincoln Court:

Councilwoman Sikorsky Steps down

Weir motions that council makes the following findings in relation to the application of Lincoln Court Parcel B Subdivision and Deed of Easement:

1. That the application constitutes a subdivision within the meaning of the Town Code
2. That this proposed division will constitute a division of a parcel of land into three or more parcels of less than 5 acres each for purposes of transfer of ownership or building development.
3. That this application proposes a new street.
4. That the proposed application does not improve the general use pattern of the land being subdivided as set forth in Section 38-4.
5. The land is not suitable and the Council determines after considering all the information before it and the best interest of the public that the site is not suitable for platting and development purposes of the kind proposed by the applicant.
6. That the land, which is the subject of the applicant, is subject to flooding and is topographically unsuitable for this division and such division would endanger the health, life and property and aggravate erosion and flood hazards within the area.
7. that the applicant stated in the public meeting on October 4, 2004 that he attempted to deal with the flooding and drainage problem on the proposed lot, but was unable to do so because he was unable to obtain the necessary right-of-ways from the railroad and that he could, therefore, not solve the flooding and drainage problems on the lot.
8. The flooding and drainage problems on the lot have been demonstrated to the satisfaction of Council based on the information supplied in the public hearing, the photographs, which were supplied to Council, and the personal knowledge and observation of various council members who have long been familiar with the flooding and drainage problems relating to this parcel of land.
9. That the applicant has not provided the necessary information, as required by Section 38-7(g) to show what drainage improvements are necessary to develop properly the subject property.
10. That the applicant has not provided plans for drainage improvements together with a certified engineer or surveyor's statement that such improvements, when properly installed, will be adequate for the development as contemplated by Section 38-7(g).
11. That the proposed subdivided lot does not abut on an existing or proposed public street, as required by Section 38-9(d).
12. that the proposed subdivided lot does not front on an existing street 50' in width, nor have any provisions been made by the applicant to permit the widening by dedication of the roads or streets serving the proposed lot to be expanded to a width of 50' or more as required by Section 38-9(d).
13. That the proposed division is not in keeping with the comprehensive plan of the Town.
14. That the proposed division is within the overlay district know as the "Old and Historic Town of Haymarket" as created by Section 58-553 of the Code. The applicant has not met, or furthered the requirements, set forth in Article XIV "Old and Historic Haymarket District Overlay".
15. That any one or more of the findings set forth above are sufficient within the view of Council to deny the application and that each of the findings are severable.

Weir further moves that the application filed by Kustom Kastles, LLC for the purpose of subdividing Lincoln Court parcel "B" be denied on the following grounds:

1. For each of the reasons set forth in the findings above, which shall be deemed severable.
2. That the application is not in compliance with the requirements of Section 38-4.
3. That the application is not in compliance with the requirements of Section 38-5.
4. That the application is not in compliance with the requirements of Sections 38-6.
5. That the application is not in compliance with the requirements of Section 38-7(g).
6. That the application is not in compliance with the provisions of Article XIV "Old and Historic Haymarket District Overlay".
7. Each of the Foregoing ground shall be deemed severable and each separate ground is sufficient for denial of the application.

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Tobias seconds,

By a roll call vote: Tobias-Yes, Stutz-Yes, Garcia-Yes, Jarboe-Yes, Weir-Yes

Nays: None

Abstain: Sikorsky

Councilwoman Sikorsky rejoins her seat

DH Group, LLC-Preliminary Site Plans for Realty Exchange of Haymarket
Ron Schools presents new plans to council

Weir motions to present the preliminary site plans applied for by DH Group, LLC for the purpose of a building located at 6608 & 6604 Jefferson Street, back to PC and to Mr. Payne (the Town's Engineer), Mayor comments that the plans probably should have been referred back to PC last meeting, if changes are necessary, they will

require a new 30 day period,

Ayes: Garcia, Sikorsky, Weir

Nays: Tobias, Stutz, Jarboe

Mayor breaks the tie and motion carries

Parcel A-1A (Site of Signature Kitchens)

Release of Bonds:

Weir motions to release the E&S and landscaping bonds posted for the purpose of creating a paved parking lot, Garcia seconds

Ayes: 6

Nays: 0

Stutz motions to approve the \$10,000 appropriation to Bluemont Concert Series, Jarboe seconds

Roll Call Vote: Sikorsky-Yes, Tobias-Yes, Stutz-Yes, Garcia-Yes, Jarboe-Yes, Weir-Yes

Mayor comments on the town center property. Asks council to consider razing the building (Haymarket Grocery) and place all green space. Mayor will put it out to bid on CBC to demo the building. Mayor will bring in bids at the November meeting. Stutz asks if the town is supposed to pull permits for their own buildings. Clerk instructed to fill out the demolition permits for the two town owned buildings that need to be demolished.

Jarboe: Discusses issues with Greenhill Crossing dry and wet ponds. Mayor will contact PW Soil Conservation with regards to the overall plan for storm water flow. Mayor asks Jarboe to send notification to Redmond Community Mgmt.

Stutz: Zoning enforcement-Stutz has sent out several violations-some violators are conforming, some are applying for variances.

**Mayor will contact 84 lumber regarding landscaping

**Sikorsky-HC-Nov. 6, @ 11:30 am, Civil War Presentation Ceremony-Two signs are going to be part of the civil war trail. 1)route to Gettysburg; 2) Mark Joyner will be here and has loaned the museum civil war artifacts.

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Weir: PC is having a continuation meeting at 7pm on October 28, 2004 in reference to the Town's initiated ZTAs.

Garcia: Notes we are getting ready to complete the grant application for a Nov. 1 deadline.

Tobias notes that efforts are soon underway in the search for a town treasurer. Sikorsky adds that the ad should read 4 years experience in lieu of a degree. Tobias notes changes.

Garcia motions to make a budget line adjustment of \$2500 from Maintenance/Street Contract to the landscaping line item, Stutz seconds

Sikorsky asks if the contract is for fiscal year, yes it is.

Roll Call Vote: Sikorsky-Yes, Tobias-Yes, Stutz-Yes, Garcia-Yes, Jarboe-Yes, Weir-Yes

Garcia motions to appropriate to Metropolitan Plants \$8000 for the FY 2005 landscaping budget line item, Stutz seconds.

Roll Call Vote: Sikorsky-Yes, Tobias-Yes, Stutz-Yes, Garcia-Yes, Jarboe-Yes, Weir-Yes

**Mayor asks clerk to call Northern VA Regional Commission to ask where written report is?

Tobias motions that where there is public necessity, convenience, or general welfare or good zoning practices require the adoption of an ordinance providing for impact fees and how such fees should be imposed, Garcia seconds

Roll Call Vote: Sikorsky-Yes, Tobias-Yes, Stutz-Yes, Garcia-Yes, Jarboe-Yes, Weir-Yes

Weir motions to enter into executive session pursuant to 2.2-3711 A1 and A7, named town employees and appointments (Clerk, Chief of Police, Zoning Administrator, & Building Inspector) and consultation with legal counsel;

(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; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. And (7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the public body; Garcia seconds;

Weir motions certification of executive session, that only the items that were discussed are listed above in the motion to enter into executive session; Tobias seconds;

Roll Call Vote: Sikorsky-Yes, Tobias-Yes, Stutz-Yes, Taylor-Yes, Garcia-Yes, Jarboe-Yes, Weir-Yes

Tobias Motions to appoint, as the Town Clerk, Jennifer Preli; Jarboe seconds

Roll Call Vote: Sikorsky-Yes, Tobias-Yes, Stutz-Yes, Taylor-Yes, Garcia-Yes, Jarboe-Yes, Weir-Yes

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**Tobias motions to appoint as Chief of Police, James Roop, Stutz seconds
Roll Call Vote: Sikorsky-Yes, Tobias-Yes, Stutz-Yes, Taylor-Yes, Garcia-Yes, Jarboe-
Yes, Weir-Yes**

**Tobias motions to approve the minutes of Sept. 13 and Sept. 20, 2004 as amended
with corrections, Jarboe seconds**

Ayes: 6

Nays: 0

**Garcia Motions to refer the Planning Commission to investigate the building official
position, and make recommendations to the council, Tobias seconds**

Ayes: 6

Nays: 0

**Weir motions to adjourn the continuation meeting and regularly scheduled meeting
of October 4, 2004, Stutz seconds**

Ayes: 6

Nays: 0

MEETING ADJOURNED

Submitted:



Jennifer Preli/Clerk of the Council

Approved:



Mayor David P. Taylor

AN ORDINANCE TO DENY THE APPLICATION OF
KUSTOM KASTLES, LLC, APPLICATION FOR LINCOLN COURT SUBDIVISION

At its regular meeting on the 4th day of October, 2004, the Town Council for the Town of Haymarket, Virginia considered the application of Kustom Kastles, LLC, application for Lincoln Court Subdivision. The Council conducted a public hearing on such application and heard the statements of the applicant's attorney, Anthony Boone, the applicant and members of the public. Council person Sikorsky disqualified herself and vacated her seat on council for the duration of Council's consideration of the matter.

At the conclusion of such public hearing and after discussion by the members of Council, a motion was duly made and seconded, passed by roll call vote of majority of Council to table the matter to the Council's adjourned meeting on October 18, 2004 at 7:00 p.m.

At its adjourned meeting on October 18, 2004, council person Sikorsky again disqualified herself. The matter was again called and discussed by Council. A motion was made, duly seconded to make the following findings:

1. That the application constitutes a subdivision within the meaning of the Town Code.
2. That this proposed division will constitute a division of a parcel of land into three or more parcels of less than 5 acres each for purposes of transfer of ownership or building development.
3. That this application proposes a new street.
4. That the proposed application does not improve the general use pattern of the land being subdivided as set forth in Section 38-4.

5. The land is not suitable and the Council determines after considering all the information before it and the best interest of the public that the site is not suitable for platting and development purposes of the kind proposed by the applicant.

6. That the land which is the subject of the applicant is subject to flooding and is topographically unsuitable for this division and such division would endanger the health, life and property and aggravate erosion and flood hazards within the area.

7. That the applicant stated in the public meeting on October 4, 2004 that he attempted to deal with the flooding and drainage problem on the proposed lot, but was unable to do so because he was unable to obtain the necessary right of ways from the railroad and that he could therefore not solve the flooding and drainage problems on the lot.

8. The flooding and drainage problems on the lot have been demonstrated to the satisfaction of Council based on the information supplied in the public hearing, the photographs which were supplied to Council and the personal knowledge and observation of various council members who have long been familiar with the flooding and drainage problems relating to this parcel of land.

9. That the applicant has not provided the necessary information as required by Section 38-7(g) to show what drainage improvements are necessary to develop properly the subject property.

10. That the applicant has not provided plans for drainage improvements together with a certified engineer's or surveyor's statement that such improvements, when properly installed, will be adequate for the development as contemplated by Section 38-7(g).

11. That the proposed subdivided lot does not abut on an existing or proposed

public street as required by Section 38-9(d).

12. That the proposed subdivided lot does not front on an existing street 50' in width nor have any provisions been made by the applicant to permit the widening by dedication of the roads or streets serving the proposed lot to be expanded to a width of 50' or more as required by Section 38-9(d).

13. That the proposed division is not in keeping with the comprehensive plan of the Town.

14. That the proposed division is within the overlay district known as the "Old and Historic Town of Haymarket" as created by Section 58-553 of the Code. The applicant has not met or furthered the requirements set forth in Article XIV "Old and Historic Haymarket District Overlay".

15. That any one or more of the findings set forth above are sufficient within the view of Council to deny the application and that each of the findings are severable.

NOW, THEREFORE BE IT ORDAINED, that the Town Council for the Town of Haymarket, Virginia doth hereby deny the application of Kustom Kastles, LLC, application for Lincoln Court Subdivision on the following grounds:

1. For each of the reasons set forth in the findings above which shall be deemed severable.
2. That the application is not in compliance with the requirements of Section 38-4.
3. That the application is not in compliance with the requirements of Section 38-5.

4. That the application is not in compliance with the requirements of Section 38-6.

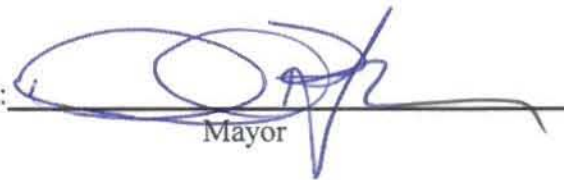
5. That the application is not in compliance with the requirements of Section 38-7(g).

6. That the application is not in compliance with the provisions of Article XIV "Old and Historic Haymarket District Overlay".

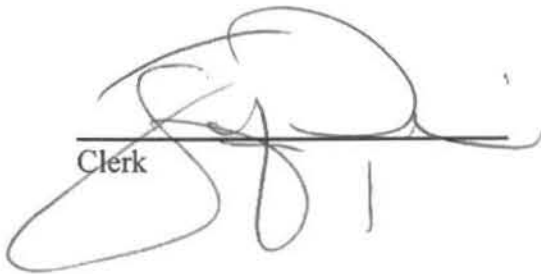
7. Each of the foregoing grounds shall be deemed severable and each separate ground is sufficient for denial of the application.

Done this 18th day of October, 2004.

TOWN OF HAYMARKET, VIRGINIA

BY: 
Mayor

ATTEST:


Clerk

Motion to approve: WEIR

Second: TOBIAS