



TOWN OF HAYMARKET TOWN COUNCIL
REGULAR MEETING
 ~ MINUTES ~

Shelley M. Kozlowski, Clerk of Council
<http://www.townofhaymarket.org/>

15000 Washington St
 Haymarket, VA 20169

Monday, February 4, 2019

7:00 PM

Council Chambers

A Regular Meeting of the Mayor and Council of the Town of Haymarket, VA, was held this evening in the Board Room, commencing at 7:00 PM.

Mayor David Leake called the meeting to order.

I. Call to Order

Vice Mayor Susan Edwards: Present, Councilman Robert Day: Present, Councilman Connor Leake: Present, Councilman Madhusudan Panthi: Present, Councilwoman Bond Cavazos: Present, Councilman Steve Shannon: Present, Mayor David Leake: Present.

II. Pledge of Allegiance - Cub Scout Pack 1833

Cub Scout Pack 1833 presented the colors and lead the pledge.

III. Invocation - Rabbi Lizz Goldstein, Congregation Ner Shalom

Rabbi Goldstein gives the evening's Invocation.

IV. Minutes Approval

1. Mayor and Council - Work Session - Jan 7, 2019 6:00 PM

Councilman Shannon makes a motion *to accept the minutes from the January 6, 2019 work session*. Councilwoman Cavazos seconds the motion.

There is no discussion on the motion.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Steve Shannon, Councilman
SECONDER:	Bond Cavazos, Councilwoman
AYES:	Edwards, Day, Leake, Panthi, Cavazos, Shannon

2. Mayor and Council - Public Hearing/Regular Meeting - Jan 7, 2019 7:00 PM

Vice Mayor Edwards makes a motion *to accept the January 7, 2019 regular meeting minutes*. Councilman Shannon seconds the motion.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Susan Edwards, Vice Mayor
SECONDER:	Steve Shannon, Councilman
AYES:	Edwards, Day, Leake, Panthi, Cavazos, Shannon

V. Serve Our Willing Warriors Presentation

A check was presented to Serve our Willing Warriors from funds that were raised from the Smore's kit sales at the Town's Christmas and Holiday Event.

VI. Department Reports

1. Police Department Report - Chief Kevin Lands

Chief Lands shares his "Year End Review". He reports that they expanded on community policing working with the schools, business checks, and hosting their community events. He states that year to date the department had 29 felony arrests, 167 misdemeanor arrests 590 summons, 66 accidents, approximately 20,000 in-town calls, 419 out of town calls, 6,490 recorded business checks, and 2,666 warnings. He continues by highlighting the officer's duties and responsibilities over the past year.

2. Administrative Staff Report - Jerry Schiro, Business Manager

Business Manager, Jerry Schiro, highlights staff reports including Administration, Planning/Zoning, Treasurer, Engineer and Public Works. In his report he also includes updates regarding the town park and building maintenance. He adds that he has approved the work of \$1,780 for painting the Council Chambers as well as gathering estimates for audio/visual improvements. He further adds that he has received 2 bids for exterior painting of the museum, Washington Street Realty and The Very Thing for Her. He concludes his report stating that the bids came in at \$18,100 and \$32,000. Council directs Mr. Schiro to obtain another bid.

VII. Citizens' Time

Mayor Leake asks that a letter that came in from residents Mr. and Mrs. Carroll be made a part of the minutes.

All letters that were read at this evening's meeting will be made part of the minutes.

Bill Hunt, 6751 Madison Street, shares concerns with the traffic impact the funeral home would have on the Town.

Andrea Payne, 6680 Fayette Street, A Dog's Day Out, comments on the Funeral Home and ARB appeal. She is in favor of the Funeral Home as well as the ARB decision on the demolition permits.

Dottie Leonard, 14801 Washington Street, spoke on behalf of herself and the Citizen's for the Betterment of Haymarket and western Prince William County. Spoke in favor of the Funeral Home. Happy to have the work sessions recorded.

Melanie Ruiz, Melanie's Florist, spoke in favor of having a Funeral Home in Haymarket for the citizens.

Marika Evans, Town business owner, spoke in opposition of the Funeral Home to be located in the heart of the Town.

Stephanie Peacock, owner of 4R's Preschool, spoke in opposition to the Crematorium in the center of town near preschool's for health and environmental concerns.

Brett Fry, Tobaccology, spoke in favor of the Funeral Home and Crematorium. Feels that the Town needs to encourage new businesses. He shares his concerns with the already blighted properties in the Town and does not want to see this happen to this building.

John Chester, Piedmont Bible Church, spoke in favor of the Funeral Home to accommodate resident's needs.

Dewayne Bartocle, 1340 Woodbridge Street, shares that he is a neighbor of Mountcastle Turch Funeral Home in Woodbridge and states that they have always been good neighbors and traffic and parking has never been an issue.

Michael Turch, applicant, asks the Council to vote in favor of the Special Use Permit for his Funeral Home. States that it will provide a service that does not exist in Haymarket. Feels that it will help neighboring businesses. He adds that he had a property study conducted locally that indicates it would not have a negative impact on property values. He shares some conditions that he would like to offer including limiting procession times to 10 am to 2:30 pm., will only service their clients, as well as parking considerations.

Debbie Dellassandro, 14947 Madison Court, states that initially she was not in favor of the Funeral Home, but after talking with Mr. Turch and neighbors, she feels that this would be a good addition to the neighborhood.

Gifford Hampshird of Blankingship and Keith, representing the applicant, summarizes his letter dated January 30, 2019 that is in the evening's Council packet. He reminds the Council that the Special Use Permit and Zoning Text Amendment were both recommended for approval by the Planning Commission and Town Planner.

Jessica Turch, applicant's wife, speaks in favor of the funeral home.
1. Citizen's Input Letters

VIII. Action Items

1. McDonald's SUP for Second Drive Thru Lane

Councilman Leake moves to approve the Special Use Permit for McDonald's to build a second drive-thru lane at the 6740 Leaberry Way location with the condition that the applicant's site plan follows general conformance with the proposed layout plan attached, to include closing the first entrance, removing the parking between the building and the drive-thru lane and adding the additional parking spaces. Councilman Shannon seconds the motion.

Mayor Leake asks if there is any discussion on the motion.

Vice Mayor Edwards asks if it they will still be going back to the Planning Commission? Ms. Lockhart states yes.

There is no further discussion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Connor Leake, Councilman
SECONDER:	Steve Shannon, Councilman
AYES:	Edwards, Day, Leake, Panthi, Cavazos, Shannon

2. Resolution #2019-001 - Sherwood Forest

Councilman Leake moves that the Town Council adopt Resolution #2019-001, to request VDOT accept the Sherwood Forest streets into the secondary system of state highways. Vice Mayor Edwards seconds the motion.

Mayor Leake asks if there is any discussion on the motion.

Councilman Shannon states that it needs to be clearly understood that VDOT will not be taking the roads into the state system until the February 20th inspection and it meets all of VDOT's criteria.

There is no further discussion.

At this time, Mayor Leake requests a 10 minute recess.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Connor Leake, Councilman
SECONDER:	Susan Edwards, Vice Mayor
AYES:	Edwards, Day, Leake, Panthi, Cavazos, Shannon

3. Mayor's Veto of ZTA #2018-001 and Special Use Permit #2018-010 for Funeral Home

Mayor Leake explains the veto process that is defined in the Town Charter.

Discussion amongst the Council includes the Mayor's memorandum of the veto, traffic and property value impact, the Zoning Ordinance rewrite and Comprehensive Plan, parking regulations, location, the increase need for crematoriums, and the concessions presented by the applicant.

There was also discussion on the previous dialogue between the Mayor, Staff and Mr. Turch. Councilwoman Cavazos asks Mayor Leake if he spoke with Mr. Turch prior to his purchase. Mayor Leake states yes giving a time frame of dialogue beginning in January 2018 with Mr. Turch and Emily Lockhart, the Town Planner. Councilwoman Cavazos states that when she spoke with Mr. Turch, he stated to her that you essentially influenced his decision into purchasing the property. Mayor Leake states that is absolutely incorrect.

Councilman Shannon and Councilwoman Cavazos share concerns why the Mayor did not express his concerns and should have been more open about the Funeral Home prior to the veto. Mayor Leake reads from the January 7th meeting minutes expressing his concerns with this being a better use in an Industrial zone or B-2, shares concerns with parking and if it fits within our downtown.

Councilman Leake makes a motion *to override the Mayor's veto with regard to Zoning Text Amendment #2018-001 to add crematory definition to the Town Codes as an accessory use for funeral homes as recommended by the Planning Commission*. Councilman Shannon seconds the motion.

There is no discussion on the motion.

RESULT:	DEFEATED [4 TO 2]
MOVER:	Connor Leake, Councilman
SECONDER:	Steve Shannon, Councilman
AYES:	Connor Leake, Madhusudan Panthi, Bond Cavazos, Steve Shannon
NAYS:	Susan Edwards, Robert Day

4. Motion

Councilwoman Cavazos makes a motion *to override the Mayor's veto with regard to SUP #2018-010 authorizing a funeral home without crematory at 14901 Washington Street*. Councilman Leake seconds the motion.

Mayor Leake asks if there is any discussion on the motion.

Councilman Leake asks for a friendly amendment to the motion to include funeral procession will only occur between 10 am and 2:30 pm, Monday thru Friday with no processions on the weekends and the applicant will provide evergreen screening along the Madison Street frontage. Town Attorney Martin Crim states that there is already a landscaping requirement that would conflict and recommends to leave that condition out of the amended motion. Councilwoman Cavazos agrees to add the condition that funeral procession will only occur between 10 am - 2:30 pm, Monday thru Friday with no processions on the weekends. Councilman Leake seconds the amendment.

There is no further discussion on the motion.

Mayor Leake requests a 10 minute recess.

RESULT:	DEFEATED [4 TO 2]
MOVER:	Bond Cavazos, Councilwoman
SECONDER:	Connor Leake, Councilman
AYES:	Connor Leake, Madhusudan Panthi, Bond Cavazos, Steve Shannon
NAYS:	Susan Edwards, Robert Day

5. Architectural Review Board Appeal

Brian Prater of Walsh, Colucci, Lubeley and Walsh addresses the Council. He states that he is representing the applicant, Stan Payne Development, LLC.. He recaps the recent ARB decision on January 16, 2019 denying the Certificate of Appropriateness application seeking demolition for 6706 Jefferson Street and the 6 COA's seeking demolition that were approved but with conditions attached. He adds that the applicant is appealing each of them seeking that the Council overrides and allows demolition for 6706 Jefferson Street and overrides the ARB's decision to attach conditions to each of the other 6 applications. He gives a brief timeline of when Mr. Smith purchased the properties and his plans for the property. He adds that Mr. Smith has tried to market the property with no success because potential buyers do not want to purchase the property with those structures or would like to purchase with the right to take down the structures and re-purpose.

Vice Mayor Edwards asks for clarification on Mr. Smith's plan for demolition. Mr. Prater replies that his client prefers to find someone to pay for demolition which is specified in the appeal. He concludes that the 100 day condition would not be enough time for the applicant to seek out a buyer to fund that operation and tear down the structure.

Town Planner, Emily Lockhart, reminds Council about the "action list" and reached out to this property owner about his blighted properties. She highlights the ARB process and actions concerning the property that is in the packet. She further states that she did make the recommendation in support of the demolitions to further better our town, its economic development and public safety.

Mr. Prater notes that in the letter Ms. Lockhart provided states that one of the conditions was research on any person, place or event associated and it was his understanding that was stricken during the meeting and feels the minutes would support that. Mr. Crim concurs.

Councilwoman Cavazos states that on behalf of the ARB she would request to table a decision tonight on the appeal and possibly hold a joint work session with the ARB and Town Council. She adds that the surveys in tonight's packet are much more detailed than the ones handed to the ARB during their meeting. She highlighted the historical significance of the structures, the 120 time frame of demolition and examples of viable rehabilitated structures within the Town today.

Discussion ensues between Councilman Leake and Councilwoman Cavazos concerning scheduling a work session.

Further discussion at the dais includes the appeal process and demolition by neglect.

Vice Mayor Edwards adds that the historical significance is not just the architecture, it is the grouping of the buildings and those who lived in the buildings and their significance to our Town.

Vice Mayor Edwards moves *that the Town Council uphold the decision of the Architectural Review Board to approve application ZP#2018-062 to demolish the structures identified as D and E on the map, at the address 15010 Payne Lane, with the conditions given by the ARB.* Councilwoman Cavazos seconds the motion.

There is no discussion on the motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Susan Edwards, Vice Mayor
SECONDER:	Bond Cavazos, Councilwoman
AYES:	Edwards, Day, Leake, Panthi, Cavazos, Shannon

6. Motion

Mayor Leake shares concerns with pictures of the second facade. He feels that it would be an unreasonable cost to the applicant and safety concerns for whoever enters the building. He adds that we have this documentation in the museum.

Vice Mayor Edwards moves *that the Town Council uphold the decision of the Architectural Review Board to approve application ZP#2018-063 to demolish the structures identified as A and B on the map at the address 15011 Washington Street, however removing the condition to photograph the brick.* Councilman Shannon seconds the motion.

There is no discussion on the motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Susan Edwards, Vice Mayor
SECONDER:	Steve Shannon, Councilman
AYES:	Edwards, Day, Leake, Panthi, Cavazos, Shannon

7. Motion

Councilman Shannon moves to uphold the decision of the Architectural Review Board to approve application ZP#2018-064 to demolish the structure identified as I on the map, at the address 15003 Washington Street, with the conditions given by the ARB. Councilwoman Cavazos seconds the motion.

There is no discussion on the motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Steve Shannon, Councilman
SECONDER:	Bond Cavazos, Councilwoman
AYES:	Edwards, Day, Leake, Panthi, Cavazos, Shannon

8. Motion

Vice Mayor Edwards moves to uphold the decision of the Architecture Review Board to approve application ZP#2018-065 to demolish the structure identified as H on the map, at the address 15001 Washington Street, with the conditions given by the ARB. Councilman Shannon seconds the motion.

There is no discussion on the motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Susan Edwards, Vice Mayor
SECONDER:	Steve Shannon, Councilman
AYES:	Edwards, Day, Leake, Panthi, Cavazos, Shannon

9. Motion

Vice Mayor Edwards moves to uphold the decision of the Architectural Review Board to approve application ZP#2018-066 to demolish the structure identified as C on the map, at the address 6707 Fayette Street, with the conditions given by the ARB. Councilwoman Cavazos seconds the motion.

There is no discussion on the motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Susan Edwards, Vice Mayor
SECONDER:	Bond Cavazos, Councilwoman
AYES:	Edwards, Day, Leake, Panthi, Cavazos, Shannon

10. Motion

Councilman Leake moves to override the decision of the Architectural Review Board to deny application ZP#2018-067 to demolish the structure identified as F on the map at the address 6706 Jefferson Street, with the following conditions; professional photographic documentation of the exterior of the building including black and white print digital images of the building, architectural description of the building, any person, place or events known to be associated with the building and demolition to be completed within 101 days of the application approval by the Town Council. Councilman Shannon seconds the motion.

Councilman Shannon asks if there is a structural engineer's report associated with the structure and if so, what was the outcome? Ms. Lockhart states yes. She adds that the report is on page 283 of the packet. He shares concerns that what has happened to the "Colonel's House" might happen to this structure.

Councilwoman Cavazos asks Councilman Leaks if he would like to disclose if he talked to the applicant?

Councilman Leake details his conversation with Mr. Smith and the timeline. Councilwoman Cavazos asks him if he feels he should recuse himself? Councilman Leake states no, he is not representing Mr. Smith or his firm and is represented by another real estate agent and he has no monetary contribution. He adds that he disclosed to Mr. Smith that he was a member of the Haymarket Town Council.

Further discussion on rehabilitating this structure and previous demolitions ensues.

There is no further discussion on the motion.

Mayor Leake asks Councilman Shannon the reason for his abstention. Councilman Shannon states that he could go either way so he abstains.

RESULT:	DEFEATED [1 TO 4]
MOVER:	Connor Leake, Councilman
SECONDER:	Steve Shannon, Councilman
AYES:	Connor Leake
NAYS:	Susan Edwards, Robert Day, Madhusudan Panthi, Bond Cavazos
ABSTAIN:	Steve Shannon

11. Motion

Councilwoman Cavazos moves *that Town Council uphold the decision of the Architectural Review Board to deny application ZP#2018-067 to demolish the structure identified as F on the map, at the address 6706 Jefferson Street, with the conditions given by the ARB.* Vice Mayor Edwards seconds the motion.

There is no discussion on the motion.

RESULT:	ADOPTED [5 TO 1]
MOVER:	Bond Cavazos, Councilwoman
SECONDER:	Susan Edwards, Vice Mayor
AYES:	Edwards, Day, Panthi, Cavazos, Shannon
NAYS:	Connor Leake

12. Motion

Vice Mayor Edwards moves *to uphold the decision of the Architectural Review Board to approve application ZP#2018-068 to demolish the structure identified as G on the map, at the address 6704 Jefferson Street, with the conditions given by the ARB.* Councilman Shannon seconds the motion.

There is no discussion on the motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Susan Edwards, Vice Mayor
SECONDER:	Steve Shannon, Councilman
AYES:	Edwards, Day, Leake, Panthi, Cavazos, Shannon

IX. Updates

1. Planning Commission

Councilman Shannon, Planning Commission Liaison, states that they discussed the Crossroads Village site plan. Ms. Lockhart adds that the CIP and Comprehensive plan will be on the next agenda.

2. Architectural Review Board

Councilwoman Cavazos, ARB Liaison, states that they had their meeting on January 16th where they discussed the demolition permits that were presented tonight. She adds that they also discussed possibly changing the Chairman, but it was unanimous that the Board wanted Ken to remain Chair. She continues that they are working on the welcome sign project.

3. Letter of Support HB 2469

Mayor Leake states that HB2469 died in committee.

X. Council Member Time

1. Steve Shannon

Councilman Shannon echoes the comments from Vice Mayor Edwards and Councilman Leake.

2. Connor Leake

Councilman Leake concurs with Vice Mayor regarding team building. Enjoys working with each member of the Council.

3. Madhu Panthi

No comments

4. Susan Edwards

In reference to the upcoming budget season, Vice Mayor Edwards thinks that we should revisit conducting finance committee meetings. She adds that she feels it might be a good idea to have a team building session.

5. Bond Cavazos

Councilwoman Cavazos states that she has no comments but would like to know if Mayor Leake will be reading the email that he referenced earlier in the meeting.

6. Robert Day

No comments.

7. David Leake

Before his Council Member Time, Mayor Leake asks the Council their thoughts on reading the letter that was referenced earlier in the meeting. Councilman Shannon, Leake, Vice Mayor Edwards, Councilman Panthi, Councilman Day and Mayor Leake state no. Councilwoman Cavazos states yes. The letter was not read. The letter will be made part of the record.

Mayor Leake agrees with the idea of setting up a team building session.

XI. Closed Session (if needed)

XII. Adjournment

1. Motion to Adjourn

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Steve Shannon, Councilman
SECONDER:	Susan Edwards, Vice Mayor
AYES:	Edwards, Day, Leake, Panthi, Cavazos, Shannon

Submitted:

Approved:



Shelley M. Kozlowski, Clerk of the Council



David Leake, Mayor