



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, August 6, 2018

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 9:06 PM.

Mayor David Leake called the meeting to order.

I. Call to Order

Councilwoman 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. Invocation - Rev. Brian Johnson, Haymarket Church

Rev. Brian Johnson gave the evening's invocation.

III. Pledge of Allegiance - Cub Scout Troop 107

Boy Scout troop 107 led the Pledge of Allegiance.

IV. Minutes Approval

1. Mayor and Council - Public Hearing - May 21, 2018 6:00 PM

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

2. Mayor and Council - Special Meeting - Jun 28, 2018 7:00 PM

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

3. Mayor and Council - Regular Meeting - Jul 2, 2018 7:00 PM

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

V. Special Guest Speaker - Delegate Danica Roem

Delegate Danica Roem, 13th District, speaks to the Mayor and Council about the State budget as well as legislation from the Virginia General Assembly.

VI. Update: Dominion Energy

1. Dominion Energy

Mayor Leake states that in the agenda packet, there is the latest mailing that went out. He adds that the recent flier was posted on the Town's website. He concludes that he did ask Alana, a representative from Dominion, if there was any further update and she said that there was not and that everything that has been put out is the latest updates.

VII. Update: PWC Transportation - Route 15/4-Lane Bridge

Paola Belita, Regional Transportation Planner from Prince William County's Dept. of Transportation, addresses the dais concerning a Resolution of support for Prince William County to apply for state funding through the Commonwealth Transportation Board's Smart Scale Program to design and construct a four lane roadway and railroad overpass on James Madison Highway, Route 15.

Vice Mayor Edwards asks Mr. Belita to clarify that there will be access to Town businesses. Mr. Belita states that if the project is funded they will be working with the Town to keep the access open.

1. Resolution #2018-09, Route 15 Four Lane Bridge

Vice Mayor Edwards makes a motion to present Resolution #2018-09 in support of Prince William County to apply for the state funding through the Commonwealth Transportation Board's Smart Scale Program. Councilman Leake seconds the motion.

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

VIII. Department Reports

1. Police Department - Chief Lands

Chief Lands reports that the recent lip sync video that the department recently shot had over 375,000 views. He adds that is was all donated time. He further reports that the police officers went through active shooter training with Prince William County focusing on high risk situations that happen in the schools. He reminds everyone of the National Night Out event scheduled for Tuesday, August 7th at the QBE building.

He concludes his report stating that over the weekend one of our officers was able to respond just outside of the Town on two calls. He adds that we were first on the scene and able to assist the County on both calls.

Members of Council thank the Police Department for all that they do.

2. Engineer's Report - Katie McDaniel

Town Engineer, Katie McDaniel, updates the Council on projects that she is working on including the residential homes at 6675 Fayette Street, the Pedestrian Improvements project (along Jefferson Street towards the bridge) and Alexander's Keep street lights which will be turned over to the Town.

3. Building Official's Report - Prince William County

No questions or comments concerning the Building Officials report.

4. Planner's Report

Town Planner, Emily Lockhart, reports that the Planning Commission is working with the applicant at 6675 Fayette Street on the 3 single family homes. She states that at a work session a few months back the Town Council outlined a list of properties that were blighted and needed to be addressed. She happily reports that she has an open communication with either the property owner or their representatives and notices have been sent and there is a plan to work forward. She adds that in the weeks and months ahead she expects to see a lot of clean up in the downtown core area as well as new plans to come in. She further adds that she has a meeting this week with a developer for the "Payne Lane" property across the street and hoping to have an official application submitted to the Town. Ms. Lockhart continues her report stating that she had a meeting with the realtor for the firehouse/bungalow and they are planning on bringing in a developer and sell the properties. She concludes her report stating that there is a potential applicant for the BB&T bank building that is for sale.

Councilman Shannon asks about the status of the 3 new homes on Fayette Street as well as "A Dog's Day Out" also located on that street. Ms. Lockhart replies that the homes will need to get final approval of their site plan at the next Planning Commission meeting and "A Dog's Day Out" in December.

5. Treasurer's Report

Town Treasurer, Roberto Gonzalez, reports that we will end the fiscal year in the black. He reports that meals taxes are coming in higher than expected. He states that he is currently working on Haymarket Day and the October audit.

6. Business Managers Report

Business Manager, Jerry Schiro, highlights his report.

Administration:

Followed up on some Human Resource issues.

Worked with the Clerk to finalize a lease agreement for a new copier, less cost than current maintenance contract.

Met with Acai Software concerning push to text capabilities.

Haymarket Day:

Reviewed and signed band and sound engineer contracts.

Met with potential contractor to provide bus services.

Finance:

Worked with the Treasurer on budget allocations.

Reviewed and signed off on audit requirements for VDOT Pedestrian Improvement Grant.

Met with a former tenant and arranged for the release of the escrowed rent deposit.

Planning and Zoning:

Worked with the Planner with projects that she has discussed this evening.

Met with a concerned resident and discussed easement issues in the Longstreet Commons neighborhood with the HOA President.

Property Management and Public Works:

Checked properties for water damage following heavy rain.

Scheduled repair work at Copper Cricket.

Working on bids to get the new street lights erected.

Met with the Architect and contractors on the Town Center Project to finalize bid documents.

At this time, Mayor Leake requests to take a 5 minute recess and reconvene at 10:40 pm.

IX. Citizens' Time

Ruth Fletcher, a resident in the Villages of Piedmont, addresses the Council. She states that she was a teacher for 44 years. She shares concerns about student's safety in trailers and if there will be added emergency personnel that can adequately handle the growth.

Bob Weir, 6853 St. Paul Drive, introduces himself to the new Council members. He rebuts many of the comments made earlier by Dottie Leonard and Matt Caudle. He shares concerns with the staff report of the Crossroads Village Project. He concludes that he has concerns with the little consideration to what is already planned in the Town.

Nicholas Pulire, 6740 Bleight Drive, expresses concern with the playground on the QBE property that has been closed and would like to help with moving it. He also shares his concerns with 3 prospective fast food restaurants. He concludes that he has put his application in for the Town Planning Commission.

With no more citizens' comments, the Mayor closes Citizens' Time.

X. Action Items

A. September Town Council Meeting date change

1. Town Council Meeting Date Changes

Staff recommends changing the September 3rd Town Council regular meeting to the 4th in observance of Labor Day. Staff recommends changing the October 1st Town Council regular meeting to October 9th due to the Mayor/Council VML Conference. There was no objection from the dais.

B. Code of Ethics and Standards of Conduct**1. Town Council and Appointed Officials Code of Ethics and Standards of Conduct**

Councilman Leake asks if Council could take time to get a redline version to Staff with regards to any changes for the next meeting. There was no objection to Councilman Leake's request. The Mayor directs Council to send any changes to the Clerk for the next meeting.

C. Crossroads Village Center**1. Crossroads Village Center, 15150 Washington Street**

Town Planner, Emily Lockhart, updates the Mayor and Council on the Crossroads Village Center project since the original joint public hearing on May 21, 2018. She states that the proffers have been updated. She states that the applicant has taken into consideration many of the public comments as well as those from the Planning Commission. She explains the B-2 zoning uses as well as the special use permits that the applicant has requested. She reviews the existing land uses around the property including industrial and residential. She adds that in the Town's Comprehensive Plan this parcel was zoned for a planned interchange park with stress on the traffic oriented uses. She further adds that this was planned by the Town's Planning Commission and is to be planned as a whole. She discusses the planning process of the development. She continues with an overview of the proffers including proffers for the police department, fire and rescue, town administration as well as parks and recreation. She concludes stating the additional conditions that the applicant's placed on the Special Use Permits.

They are as follows:

- Hotel/Assisted Living Special Use Permit: Any assisted living facility shall be limited to 50 ft., hotel shall be limited to 75 ft.
- Automobile repair service: Hours of operation will be from 7am - 9pm, over night parking of vehicles will be restricted to 26 parking spaces. The facility shall be removed from the Washington Street frontage as shown on the GDP.
- Drive-ins for the restaurants: The store front of the restaurant shall face Washington Street. All 4 sides of each restaurant shall be finished with standard to present aesthetically pleasing facades on all sides.
- All the Special Use Permits: Development shall be in general conformance with GDP including sidewalks along both sides of the main roadway.

Chad Baird, Traffic Engineer with Gorove/Slade Assoc, addresses the dais concerning the traffic numbers. He states that there is a manual that they use when they come up with the numbers that are presented to the Town, VDOT and the County. He adds that it is the Institute of Transportation Engineers, 10th Edition manual.

Councilman Leake asks if the applicant will be meeting DCSM standards within the development?

Mike Massey, Ross-France, addresses Councilman Leake's question. He states that for the most part they will be designing to the DCSM standards, but, it's the Town's standards that really controls that. He adds that stormwater management will be designed at DEQ standards and should be reviewed and approved by DEQ. He further adds that parking is governed by the Town's Ordinance.

Councilman Leake shares concerns with the width of the streets. Mr. Massey states that the minimum for the County is 22 feet of pavement and they are meeting and in some cases exceeding that.

Vice Mayor Edwards asks Mr. Hampshire what is the projected start and completion dates for the townhomes?

Mr. Hampshire responds that they have 6 months to a year to get through site plan. Igor Levine, the applicant, adds that they are looking at approximately 24 months for phase one and two.

Town Attorney, Martin Crim, explains the proffers process. He states that a proffer is a voluntary commitment by the developer, it becomes a zoning condition on the property and can be enforced like any other zoning ordinance. He adds that monetary proffers are conditioned on the issuance of a building or occupancy permit. He reiterates that proffers are voluntary and are not something the Town, County and/or School Board can require.

2. Motion

The Mayor opens up the floor for discussion on Rezoning Application #2018-004.

Councilman Shannon states that he feels the Town is held hostage due to outside influences.

Councilwoman Cavazos asks the Town Attorney if Council can request conditions on rezoning?

Mr. Crim states that the Council cannot impose conditions on the rezoning.

Councilman Day asks is it possible to approve rezoning for a portion of the 9.94 acres?

Mr. Crim states that the rezoning is presented to you a with a proffer that includes the general development plan which has 9.94 acres. He adds that if it is not approved as presented it is withdrawn.

Vice Mayor reaffirms a conversation that she had with the Town Planner, that Ms. Lockhart spoke with a Prince William County School representative that stated that those students that are anticipated from this project have already been included in their future projections that were given to us. Ms. Lockhart confirms yes.

Councilman Leake makes a motion to approve Rezoning Application REZ#2018-004 to rezone 9.94 acres from B-2 to R-2 for 79 townhomes in the Crossroads Village Center. Councilwoman Cavazos seconds the motion.

Discussion on the motion: Councilman Day shares concerns with the size and would prefer that the number of townhomes be reduced and that the size of the towhome area be reduced as well. He feels there is room for improvement. He states that he would like to see it reduced from 79 to 55 townhomes.

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

3. Motion

Mayor Leake asks if there is any discussion on the "western restaurant" Special Use Permit.

Councilwoman Cavazos states after listening to the residents, she feels comfortable approving one of the drive-thru SUPs as well as the bank drive-thru but will be voting no on the other two drive-thru restaurants. She concludes stating that she prefers the "western restaurant" being a drive-thru because it is close to Chick fil A.

Councilman Shannon states that the majority of the customers he witnessed coming thru the Chick fil A drive-thru were town residents. He feels that fast, casual restaurants are not going to come if there is no drive-thru.

Councilman Leake shares concerns with dumpster pad locations.

Councilman Leake makes a motion *to defer Special Use Permit SUP2018-002 for a drive-thru restaurant at the "western restaurant" location in accordance with the GDP to our next regularly scheduled meeting.* Councilman Shannon seconds the motion.

No discussion on the motion.

RESULT:	ADOPTED [5 TO 1]
MOVER:	Connor Leake, Councilman
SECONDER:	Steve Shannon, Councilman
AYES:	Day, Leake, Panthi, Cavazos, Shannon
NAYS:	Susan Edwards

4. Motion

Mayor Leake asks if there is any discussion on the "central restaurant" Special Use Permit.

Councilman Leake makes a motion *to defer Special Use Permit SUP#2018-003 for a drive-thru restaurant at the "central restaurant" location in accordance with the GDP until the next regularly scheduled meeting.* Councilman Shannon seconds the motion.

No discussion on the motion.

RESULT:	ADOPTED [5 TO 1]
MOVER:	Connor Leake, Councilman
SECONDER:	Steve Shannon, Councilman
AYES:	Day, Leake, Panthi, Cavazos, Shannon
NAYS:	Susan Edwards

5. Motion

Mayor Leake asks if there is any discussion on the "eastern restaurant" Special Use Permit.

Councilman Shannon comment that it is not a matter of not wanting to go forward, he just feels that there could be some more homework done and answers to some more questions.

Councilwoman Cavazos asks if it would be helpful to provide the details that we would like before the next meeting.

Councilman Leake makes a motion *to defer Special Use Permit SUP#2018-004 for a drive-thru restaurant at the "eastern restaurant" location in accordance with the GDP for the next regularly scheduled meeting.* Councilman Shannon seconds the motion.

No discussion on the motion.

RESULT:	ADOPTED [5 TO 1]
MOVER:	Connor Leake, Councilman
SECONDER:	Steve Shannon, Councilman
AYES:	Day, Leake, Panthi, Cavazos, Shannon
NAYS:	Susan Edwards

6. Motion

Mayor Leake asks if there is any discussion on SUP#2018-005.

Councilwoman Cavazos states that she would prefer a hotel and would be willing to approve the permit to have the height requirement restriction raised. She feels there is a need for a hotel in Haymarket for not only friends and family but for the hospital nearby.

Councilman Shannon agrees and feels that an assisted living facility would tax our police and fire and rescue more.

Councilman Day states that he would like to recommend approving it on the condition that it is a hotel.

Councilman Leake makes a motion *to approve Special Use Permit SUP#2018-005 for a building height not to exceed 75 feet at the location in accordance with the GDP with the following conditions...any assisted living facility shall be limited to 50 feet. Any hotel shall be limited to 75 feet. Development shall be in general conformance with the GDP including sidewalks along both sides of main roadway.* Councilwoman Cavazos seconds the motion.

No discussion on the motion.

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

7. Motion

Mayor Leake asks if there is any discussion on the bank drive thru Special Use Permit.

Referencing the question why put in another bank when we have one empty, Councilman Leake states BB&T was liquidating many of their facilities and that is why they are offering this one up for sale along with a brand new one on the outskirts of Town.

Councilman Day states that he personally recommends denying the request for the drive-thru bank or adding a condition. He adds that Haymarket already has a drive thru bank next to CVS Pharmacy facing Washington Street. He continues stating that mobile banking is driving the banking market away from brick and mortar buildings and the Town recently had a bank building that has been vacant for a long time. He adds that many of the banks that are being built are being staffed by virtual tellers, eliminating face to face interactions and this is contrary to the spirit of Haymarket. He further adds, in addition a bank with virtual tellers would not bring many employment opportunities to local residents and there is the potential that we could eventually be left with two empty bank buildings that have limited reuse potential in a busy business district. He concludes that if the SUP is approved it be approved on the condition that the bank building be located away from and off of the prime frontal property along Washington Street.

Vice Mayor Edwards states that with the bank's limited hours, the best location would be on Washington Street.

Discuss ensues at the dais concerning the number of lanes.

Vice Mayor Edwards makes a motion *to approve Special Use Permit SUP#2018-007 for a bank drive-thru at the location in accordance with the GDP and the following conditions that the development shall be in general conformance with the GDP including sidewalks along both sides of main roadway.* Councilman Shannon seconds the motion.

No discussion on the motion.

RESULT:	ADOPTED [5 TO 1]
MOVER:	Susan Edwards, Councilwoman
SECONDER:	Steve Shannon, Councilman
AYES:	Edwards, Leake, Panthi, Cavazos, Shannon
NAYS:	Robert Day

8. Motion

Mayor Leake asks if there is any discussion on the auto repair service Special Use Permit.

Vice Mayor states her concern is that the applicant came back and mitigated our questions with restrictions, however, if we restrict the parking I don't think we could practically implement the conditions on the SUP. She adds the uses for the auto repairs too high and she would say no.

Councilwoman Cavazos and Councilman Day concur. Councilman Day adds that the Town has an industrial area that would be more suitable for this type of business.

Councilman Leake recommends deferring the Special Use Permit request due to not enough information.

Councilman Shannon agrees with those on the dais as well.

Vice Mayor Edwards makes a motion to deny Special Use Permit SUP#2018-006 for an Automobile Repair Service at the location in accordance with the GDP. Councilman Shannon seconds the motion.

No discussion on the motion.

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

XI. Enter into Closed Session

Mayor and Council did not enter into Closed Session.

XII. Certification of Closed Session

XIII. Appointments

Mayor Leake asks members of Council if there is any objection to moving forward with the appointments to the Architectural Review Board and Planning Commission prior to going into closed session? There were no objections.

1. Motion

Councilman Leake moves to appoint, Nicholas Pulire, as a member of the Town of Haymarket Planning Commission to fulfill an unexpired term of June 5, 2017 - June 4, 2021. Vice Mayor Edwards seconds the motion.

No discussion on the motion.

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

2. Motion

Councilwoman Cavazos moves to appoint, Aayush Kharel, as a member of the Town of Haymarket Planning Commission to fulfill an unexpired term of July 1, 2016 - June 30, 2019. Councilman Day seconds the motion.

No discussion on the motion.

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

3. Motion

Vice Mayor Edwards moves to *appoint, Julia M. Cabrera-Woscek, as a member of the Town of Haymarket Architectural Review Board to fulfill a vacant seat expiring June 30, 2020.*
Councilwoman Cavazos seconds the motion.

No discussion on the motion.

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

XIV. Council Member Time

1. Steven Shannon

Councilman Shannon expresses how he truly appreciates those who came out tonight. He adds that the decisions will not be easy, but as a team, he has confidence that they will make the right ones. He also thanks Delegate Roem for coming out tonight.

2. Connor Leake

Councilman Leake thanks all those who came out this evening and hopes the citizens will stay and hear the remainder of the agenda. He states that he wants to talk about some comments that have been written on social media. He first addresses the comments concerning the rundown houses on Washington Street. He emphasizes the Mayor and Council would love to see the buildings utilized, however, the Town does not own these properties. He states that the Town did pass a Blight Ordinance to use to notify these property owners that they do need to fix up their buildings and homes. He further adds that he is happy to report that there has been some progress, one being that the old firehouse is on the market for a new developer as well as the Payne Lane property.

Councilman Leake continues his Council Member times stating another comment he often hears is, "I wish the Town had more green space". He adds that the only way to have more green space is if the Town bought the remaining properties. He adds that the only way the Town could do that is to increase taxes for more purchasing power. Addressing the comments concerning repairing our roads, he states that the Town does not own the roads, they are maintained and owned by VDOT. He concludes that it was his understanding that we are slated in the next year or two for road improvement.

3. Susan Edwards

Vice Mayor Edwards reiterates what has already been said and we really appreciate listening to everyone that came out this evening. She emphasizes that we have not gone into this lightly and have spent hours and hours pouring over the documents and doing research. She feels that a lot of people do not understand the process and hopes people will take the time to educate themselves on how this works. She adds that the Crossroads Village Center is owned by the Haymarket Development #1, LLC, not the Town of Haymarket. When a person owns a parcel (s) they possess by-right uses that are determined by how the property is zoned and the Comprehensive Plan of the Town. She continues stating that the Comprehensive Plan for Haymarket was updated in 2008 where this property was given a designation as a Planned Interchange Park. Vice Mayor Edwards adds that there were public hearings and public input taken on it at the time. She further adds that the property is zoned B-2.

Vice Mayor Edwards continues her Council Member time stating that the owner is willing to work with the Town of Haymarket for the best compromise possible. Not every development is perfect, however, I believe we are working towards the best solution we can. Please understand that there are many more steps that the developers must go thru and that all of the buildings must be approved by the ARB. She repeats what was said earlier, that the rezoning request for 79 town homes is a down zoning that will lessen the overall impact.

She states that she understands that the schools are overcrowded on the western end of Prince William County. She adds that both of her children graduated from county schools and overcrowding has been a systemic problem since her family moved to Haymarket 22 years ago. She shares with the dais and residents that she was a teacher in a trailer at Tyler Elementary

when the sniper came through. She asks the residents to take their comments and go to the school board and share with them their concerns. She concludes her time reminding the audience that the developers have a right to have this and we have people asking us for services and to please take this into consideration.

4. Bond Cavazos

Councilwoman Cavazos has no comments.

5. Robert Day

Councilman Day states that he appreciates all the comments and shares their opinions. He states that he shares many of the same concerns, however, we are trying to make tough decisions and come out with the best outcome possible. He closes his comments assuring that all of those on the dais are absolutely doing our best that this turns out in the most positive way that we can influence.

6. Madhu Panthi

Councilman Panthi has no comments.

7. David Leake

XV. Adjournment

1. Motion to Adjourn

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

Submitted:

Approved:


Shelley M. Kozlowski, Clerk of the Council


David Leake, Mayor