

Town of Haymarket Town Council
15000 Washington Street – Haymarket, Virginia 20169
Mayor Pamela E. Stutz
November 2, 2009

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

Roll Call: Edwards, Leake, Cole, Stutz, Weir

The Mayor announces that there are two scheduled joint public hearings for the Council and the Planning Commission. Mayor Stutz turns to Planning Commission's Chairman Leake

Roll Call: Leake, Landwehr, Scarbrough

Planning Commission calls 1st public hearing to order at 7:04 p.m.

Public hearing on Code Ordinance Changes

The Town Attorney recommends a joint hearing between the Town Council and the Planning Commission and asks that the Mayor open the Town Council public hearing as well.

Opposed:

Michelle Rosati - Representing CVS

Ms. Rosati explains that CVS is a major retailer that has developed jurisdictions all over the area and they hope their experience helps lend some guidance to the Town. They did attend the Town's work-session and told the Town Council they would look at the proposed changes and how it would affect CVS. Cars move faster on Route 15 and that does affect signage. They ask respectfully after such signs shall not exceed such square area, 58-343 (b) (11) (c), they ask that we add the text "exclusive of non-internally lighted signs. She feels this will encourage the ultimate goals of the ARB and the Town as a whole.

2nd Call

3rd and Final Call Opposed

In Favor

1st Call

2nd Call

3rd and Final Call

Public Hearing on Sign Ordinance Changes

Opposed:

CVS spoke opposed above

2nd Call

3rd and Final Call

In Favor:

1st Call

2nd Call

Gerry Kennedy – Business Owner

Mr. Kennedy applauds the Town's efforts in the sign ordinance revisions. Anything that you can do to improve on the size of signage is greatly appreciated by business owners.

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Chairman Leake closes the Planning Commission public hearing.
Mayor Stutz keeps Town Council's public hearing open

Commissioner Landwehr reminds that there have been six meetings on the code revisions.

Landwehr moves to forward a recommendation of approval for the proposed revisions of the town code, dated 10-06-2009, Scarbrough seconds;

Ayes: 3

Nays: 0

Commissioner Landwehr reminds all that we have spent over a year looking at other jurisdictions; they had received comments from business owners. We added a number of things; a neon open sign, larger signs for larger buildings. The proposed changes are what we believe to be consistent with other historic towns.

Landwehr moves to send a recommendation of approval for the revised as of October 14, 2009, Scarbrough

Roll Call Vote: Leake-Yes, Scarbrough-Yes, Landwehr-Yes

Scarbrough motions to adjourn the meeting of the planning Commission, Landwehr seconds;

Ayes: 3

Nays: 0

Mayor calls for any additional comments from the public for the revisions to the Town Code Revisions and the Sign Ordinance Revisions dated 10-14-2009:
None received

Mayor Stutz closes the public hearing

Cole motions to close both public hearings, Edwards seconds;

Ayes: 4

Nays: 0

Mayor asks that we take up the adding of use of Heating & Air Conditioning. He does not recommend that we want to take this out of the special use, JCB recommends that we adjust the fee. TM recommends maybe we tighten up the definition and allow the use of an office without storage of equipment.

The Town will handle Arctic Sun as an individual case under the Special Use Permit process

14-157 should read April 30 not June 30.

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Citizen's Time

Sheila Jarboe 6791 Jefferson Street

She is here to express her concern about the Trolley. Numerous people that she has talked to are opposed to a Trolley. People still want the meal's tax gone, we don't have the shops. You will be transporting kids from one neighborhood to another. We have sidewalks we have street-scape that needs repairing. We have numerous other projects that could use \$40,000. She feels the Town Council C should think of the residents for a change.

Craig McBride – Quarles Petroleum

Michelle Swearingen

She just moved here from Texas. She understands there is an issue with Arthur's Court. Her husband and her chose Haymarket because it had the home town quaint feel. She has children and she has dogs. They went to Arthur's Court on Haymarket Day. She treats them like her kids. She would rather patronize small businesses that the corporate businesses.

Brian Gurkin

There only seems to be one issue, one complaint. There have been no complaints to the police or from other residents that the one.

Steven

He asks that if the Town approved fence why would we take it away. Dogs do bark, but not constantly. He would think the Town wants to promote businesses.

Frank Grove - 6764 Madison Street

He has lived in the Town for 1 year. He recently decided to get a dog. He is so pleased to find Arthur's Court, it has helped his dog socialize, he hopes that we would support this kind of unique business.

Clerk reads aloud two letters from residents, one from Sandy & Hilda Powell and one from John & Marika Evans. (both attached to the minutes), both letters are in reference to the application for Certificate of Appropriateness for a fence to be located at 14891 Washington Street.

Weir motions to approve the minutes of October 5 and 13, 2009, Edwards seconds;

Ayes: 4

Nays: 0

Additional use for the I-1 District

Katie Smith-Employee of Arctic Sun

She understands that the use of "state licensed contractor" is not identified in the I-1 zoning uses. They have been in business for approximately 10 years. She states she was somewhat misguided by whomever answered the phone at the Town Hall. She was advised to file a business license application and get an occupancy permit. She was not told she violated the zoning ordinance. All of their parts are in their trucks. They have two vehicles and they are both garaged in Fauquier County.

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**Weir motions to forward the SUP for Arctic Sun Heating & Air Conditioning at \$200 and to forward to the PC for their recommendation, Cole amends his motion for the fee to be a straight pass through on the actual cost of advertising
Roll Call Vote: Edwards-Yes, Leake-no, Cole-Yes, Weir-Yes**

Arthur's Court

Mayor sees that this is a condition between two property owners

Leak motions to approve the Certificate of Appropriateness for a fence to be located at 14891 Washington Street without conditions, Edwards seconds;

DISCUSSION

Weir comments that this is not an issue with the concept. The lack of a buffer between the residential and commercial property is the problem. It really is a zoning issue; you are not in compliance with the buffer requirements. If you go to the discussion on the comp plan this is why there is a Commercial Transitional District. The question is do you choose the commercial side or the residences side. He is looking for a compromise. He is concerned about approving this without limitations

Cole notes that even if the buffers were there it wouldn't solve the issue.

Leake asks Chief have there been complaints, Chief responds no.

Leake also comments that we didn't request the bank to limit the hours of their teller machine.

The Town Attorney notes that the Council tried to not take sides and work for both parties For disclosure purposes Town Planner comments that he did speak on behalf of the applicant in the past.

**Leake-Yes, Edwards-Yes, Cole-No, Weir-No
Mayor breaks tie with No
Motion Fails**

Cole motions to approve the Certificate of Appropriateness for a fence to be located at 14891 Washington Street with the same conditions that were placed on it in May 2008, this approval is valid through May 1, 2010

**Edwards-No, Leake-No, Cole-Yes, Weir-Yes
Mayor breaks the tie with Yes**

Town Center Committee

Chuck Carnahan

The general consensus of the committee ultimately is to see the Town sell this property. It's a failure, we are losing money.

1. Sell it
2. Lease it to someone
3. Or fix it
 - a. No one can find the business, signage
 - b. No longer fund from the operating revenue
 - c. Water issue has to be taken care of

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Social Dog – Lease of Town Property for Dog Training Facility

Mayor comments that we have no provisions for a dog training facility in the R-1 zone

**Mayor asks that the Town Manager look into resolving this. How is this legal in a residential zone?

**Please place on the December agenda

Mayor Stutz announces that the Town Council has accepted the resignation of Ozzie Vazquez and Susan Shuryn. Mayor instructs the clerk to send out a notice for accepting applicants letters of interest of serving on the council for the remainder of their terms (through June 30, 2010) Deadline for accepting letters is December 1, 2009.

Weir motions to enter into closed session pursuant to VA §2.2-3711 A (3), namely the sale of the Town Center Property, Edwards seconds;

Roll Call Vote: Edwards-Yes, Leake-Yes, Cole-Yes, Weir-Yes, Stutz-Yes

Weir motions certification of the closed session, that the only items discussed were those noted in the motion to enter, how say each of you?

Edwards-Yes, Leake-Yes, Cole-Yes, Weir-Yes, Stutz-Yes

Edwards motions to extend the Kennedy properties resolution to support consideration of the purchase of the Town Center Property to February 2, 2010, Leake seconds, SEE RESOLUTION BELOW;

Edwards-Yes, Leake-Yes, Cole-Yes, Weir-No

RESOLUTION OF AUGUST 3, 2009

Leake moves to adopt the following resolution:

It is hereby resolved by the Town Council of the Town of Haymarket that the Town continues to support the sale of the Town Center Property to Kennedy Haymarket Walking Town Development Group, LLC and the Town shall initiate all necessary actions to convey the property, provided a commitment for financing acceptable to the Town is presented to the Town on or before November 3, 2009, Edwards seconds;

Roll Call Vote: Vazquez-Yes, Leake-Yes, Cole-Yes, Shuryn-Yes, Edwards-Yes, Weir-No

November 19 Mayor would like to rent the two offices (clerk's offices) to do a food pantry

Weir motions to donate the space needed to churches and the Town for a food pantry, Edwards seconds;

Ayes: 4

Nays: 0

Edwards motions to authorize the Town Clerk to apply for DMME grant for retrofitting the Town's streetlights to LED and to replace the windows and doors at the police department building, Cole seconds

Ayes: 4

Nays: 0

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Business License Application

Edwards motions to approve the business license applications for Signature Sports & Entertainment and AFA

Ayes: 4

Nays: 0

Request for use of Fire Grant Funds

Clerk to add this item to the November 19, 2009 continuation meeting

Weir motions to continue the regularly scheduled meeting of November 2, 2009 to November 19, 2009 @ 7:00 p.m., Edwards seconds;

Ayes: 4

Nays: 0

Submitted:

Approved:

Jennifer Preli, Town Clerk

Pamela E. Stutz, Mayor