

Town of Haymarket
15000 Washington Street, #100, Haymarket, Virginia 20169
Mayor Pamela E. Stutz
Monday, May 19, 2008

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

Roll Call: Vazquez, Sikorsky, Jarboe, Shuryn, Stutz, Jarboe

Absent: Cole

Jarboe motions to move the meeting to the Museum at 15025 Washington Street, Haymarket,
Shuryn seconds;

By a Roll Call Vote: Vazquez-Yes, Sikorsky-Yes, Shuryn-Yes, Jarboe-Yes, Weir-Yes

PUBLIC HEARING

Mayor calls the public hearing to order on the FY 2009 budget and tax rates in support of the budget:

Mayor asks that anyone in favor of the proposed tax increase from \$.12/\$100 to \$.128/\$100, may speak:

Linda Landwehr (as a resident)

She comments on the tough financial times and hopes we have cut everything we can to the bone.

Opposed to increase:

None

Mayor opens public hearing the proposed FY 2009 budget and she asks that anyone in favor of the budget please speak:

Landwehr: Asks that her comments above be placed in the record for the budget as well.

Opposed to FY 2009 budget: None

Mayor closes the Public Hearing

CITIZEN'S TIME

Amy Burline-Gainesville Resident

Reads aloud her notes that states she feels Haymarket is a pass through town. She saw an ad for Arthur's Court, this boutique brought her to shop here and make Haymarket a destination rather than a pass through town. She asks that the town work with and not against small businesses.

Kimberly Sisson

She feels it's a shame that this area is turning metropolis. She feels that Arthur's Court is a unique business and should be welcomed in the Town.

Suzi Landsly

PWC is not dog friendly, no dog parks. She doesn't understand why there is so many hoops to jump through for a simple little fence. She urges that the council approve this.

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Sean Roberts

6750 Fayette Street

He feels we have a misguided direction. We should get past this minor mindset. We don't need what everyone else has; we need what no one else has. We need to stop beating up on our small business owners.

Bryan Garcia-Fayette Street

Comments about unique businesses for Haymarket. We need to figure out a way to work together for residents and business owners.

Appeal for PC decision

The Town Attorney comments that this is "Appeal de Novo", meaning that the case will be heard as if it has never gone to the other boards. It will be heard as a new application.

The Town Attorney reminds applicant that she need not present her case tonight; she was informed that she could postpone this matter if she chooses.

Brooke Kimbrough, applicant, she defers to Marshant Schneider-She made applications in a timely manner.

Marchant Schneider, on behalf of Arthur's Court:

Mr. Schneider starts by stating that he feels this appeal was in the wrong form, it should be an appeal to the ARB's decision, since the ARB is the ultimate approving authority for a Certificate of Appropriateness. Pursuant to 15.2-2306 he questions that a councilmember should recuse himself from the vote on this matter if he is the appellant. Ms. Kimbrough's application was approved on April 14, he reads approval aloud. 164' linear fence. She has agreed to move it off six feet. He believes that TC is justified in upholding the PC's and the ARB's decision. The fence does not materially change the use. She is not engaging in the sale of pets, she is a retail merchant. Thanks TC for their time. Ms. Kimbrough adds a comment that a councilmember did visit her adjoining neighbor and was told things were going to occur that were not going to happen. The neighbor is no longer concerned and the two remain in good standing with one another.

Vazquez motions to approve the COA as submitted for 14891 Washington Street, 12" from Powell property line, including that no animals will be kept in the fenced area outside the operating hours of the Monday closed Tuesday-Friday 4-7 Saturday 10-5, Sunday 12-5,
Sikorsky seconds;

Vazquez asks if there were no dogs involved would the set off be important. Brook says that the pets cannot be inside the fence without the owners at any time. Jarboe asks how many dogs will be in the fenced area how many dogs are allowed by PWC. She says she thinks 4. Jarboe asks Weir, Weir comments that there are 4 allowed by PWC. Weir comments that he spoke to the older Ms. Powell and she was not told lies or half truths. Mayor apologizes to applicant, Sikorsky asks and comments that this is black and white, what is the Town Attorney's legal opinion. The Town Attorney comments that if the approval were without limitations then it would possibly be a violation of the ordinances.

Vazquez withdraws motion

Vazquez motions to approve the Certificate of Appropriateness for a fence to be located at 14891 Washington Street, as submitted, the use will be limited to the following:

1. Domestic Dogs only, limit of 7
2. Times to be Tuesday – Sunday 10am-7pm
3. Dogs must be accompanied by their owners at all times
4. Approval expires on April 30, 2009

Sikorsky seconds;

By A Roll Call Vote: Sikorsky-Yes, Vazquez-Yes, Shuryn-Yes, Jarboe-No, Weir-No, Cole-Absent
Motion passes

Shuryn motions to approve the construction permit application for the Red house addition,

Vazquez
Ayes: 5
Nays: 0
Absent: Cole

Business License Application

Sikorsky motions to approve the business license for Pizzarama to be located at 14950 Washington Street, Vazquez seconds;

For the record: This license is issued without an occupancy permit since VA ABC requires a license to apply for ABC Permit. This allows the applicant to have an ABC license when Sikorsky-yes, Vazquez-Yes, Shuryn-Yes, Jarboe-Yes, Weir-Yes

Request for Fee re-consideration

Mr. Schick wants to build a house, one house on 1 lot. Our current fee schedule would call for approx\$8-12,000 in fees. The Town Manager has checked other jurisdiction and this would normally be a grading permit. Other fees range from \$500-\$1,000. He had suggested a fee of \$900. Town Manager now recommends that we charge our actual costs plus 20%.

Weir motions to approve the fee consideration for 14780 Jordan Lane with the following conditions:

- Mr. Schick is experiencing a financial hardship
- Fee is set at \$500 plus all costs incurred by the Town and fees to be paid prior to issuance of final occupancy permit
- This is a unique situation and is confined to the circumstances of this application for this owner
- Only identifiable interest as to this particular lot can be approved by a grading plan only

Roll Call: Sikorsky-Yes, Vazquez-Yes, Shuryn-Yes, Jarboe-Yes, Weir-Yes, Cole-Absent

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Sikorsky motions to approve the rezoning application & zoning map amendment for GPIN #7298-80-9226 (15026 Washington Street) from R-1 to B-1, Shuryn seconds;
Roll Call Vote: Sikorsky-Yes, Vazquez-Yes, Shuryn-Yes, Jarboe-Yes, Weir-Yes

Weir motions to approve the Special Use Permit Application #SUP20080116 for a temporary construction trailer to be located at 15250 Washington Street, Sikorsky seconds;
Roll Call Vote: Sikorsky-Yes, Vazquez-Yes, Shuryn-Yes, Jarboe-Yes, Weir-Yes

Town Hall Flooding

TM has found out that there are some funds available for recovering some costs

TM talks about the future and temporary location of Town Hall.

Mayor reminds all of Comp Plan public hearing on May 28, 2008.

Jarboe will be out of town June 9 -

Weir comments

Haymarket Estate was approved by PC.

Sikorsky

asks if this will be enough room to hold the comp plan public hearing. Sikorsky will not be here for the June 2 meeting

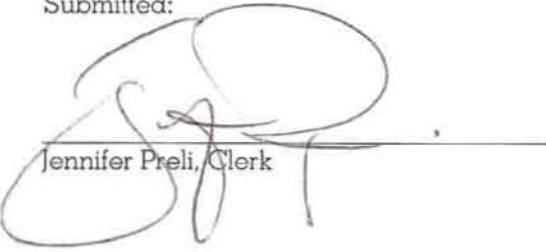
Weir motions to enter into closed session pursuant to 2.2-3711 A3, Jarboe seconds;
All in favor.


Certification of the closed session
All-Yes

Weir motions to adjourn the special meeting of the Haymarket Town Council of May 19, 2008,
Jarboe seconds;
Ayes: 5
Nays: 0
Absent: Cole

Submitted:

Approved:


Jennifer Preli, Clerk


Pamela E. Stutz, Mayor