

TOWN OF HAYMARKET, VA
Chartered in 1799
County of Prince William

TOWN COUNCIL MEETING
July 14, 2003

MAYOR
John R. Kapp

COUNCIL
James Shepard, Vice Mayor
David Taylor-PD Liaison
Shelia Jarboe
Robert Miller-ARB Liaison
Lynda Farr

Mayor Kapp called the meeting to order at 7:35pm
Prayer led by Councilman Miller

ROLL CALL:

Mayor asks public to not speak of Contrucci (Town-home) Plan

CITIZEN'S TIME

Pam Bosque She's been trying to get permit for several weeks for her deck. Would like to know the normal process. 6763 Fayette Street. Would like to have her deck ready for this summer's enjoyment.

Terry Karnes Says she is here as a resident. Thinks Mayor is out of his bounds by asking residents to not speak or comment on Contrucci proposal.

Mayor Tables Citizens time...

Wayne Rodgers

Understands that the grocery store will not be going into end space. Wants to start negotiations to lease. Says he doesn't want to file a law suit, but will if Town does not respond to CAH's request to lease. Provides Mayor with phone number, responds that anyone may call him (703) 615-6630.

Nancy Bailey Feels it would be proper to introduce new Town attorney. Asks if Mayor received anything in writing from Rafferty. Mayor clarifies that he said he would ask, however, Mr. Rafferty said no. Bailey expresses concern that Mayor may be leaving, and wants this resolved. Mayor states that the garage would have to come down if the property was re-zoned to B-1. Mayor says we will make that available to her in the minutes where Shepard made that motion.

Ron MacInnis Comments on proposed town-homes, asks if there will be a public hearing. Mayor reminds that this is conceptual. MacInnis asks about turn lane, why is it being created on Russo and Ayers property and not the commercial side of the road? Mayor responds that VDOT allowed that. Mayor states that they did encroach on Ayers property, but they have come to a mutually beneficial agreement. MacInnis asks if that is a legitimate VDOT right-of-way? Mayor responds yes.

Mayor informs of meeting with Ayers and 84 Lumber, they were just going to put back ditch. Got 84 Lumber to put in the curb, storm water distribution box, and a distribution box across the street. 84 Lumber admits wrong doing by encroaching on Ayers property.

MacInnis asks what is the Town is doing to protect the resident from the commercial developers' mistakes. Mayor states that each developer will be bricking the sidewalks, street lights, benches. Town will not be paying a penny for that whole end of town.

Nancy Bailey Reminds everyone those are not proffers, that is in the town ordinances that these developers must pay for those items. Mayor says he never said it was a proffer. Bailey says no but is referring that it is proffers.

Mayor states that he did introduce Town Attorney at the last meeting. Mayor re-introduces John Bennett.
John
Bennett give a summary of his resume.
Mayor introduces Joe Contrucci...

Joe Contrucci Town Home Proposal representing owners Alan Gossom and Don Costello...

Displays preliminary sketch by Rocky Gorge Homes. Feels it is totally in line with the vision of the town.
Properties involved are currently zoned B-1 and B-2. States is Buy-Right use of retail with Town Homes.
Assures town will get what it sees from Rocky Gorge Homes. Speaks of PC meeting and their unanimous decision to recommend Text Amendment (ZTA). More than 30 apartments and 15,000 square feet of commercial on the Payne property is the Buy-right. States that the buy-right development that could happen will generate 990 vehicle trips per day. While proposed town homes will generate only 299. a ratio of 3.3:1. Thanks audience for their attention, and asks council to consider a ZTA. He introduces Jack Anderson of Rocky Gorge Homes.

Jack Anderson
Notes they are located in Annandale, VA in business for more than 25 years. Refers to the look of Olde Town Fairfax and Alexandria. Notes that all driveways and garages will accommodate two cars. Offer both a side entry and a front entry. Keeps each building to a max of six units.

Mayor asks about price range. Anderson states probably base house would start around \$280,000 with options of up to \$50,000. All units would have two car garages. Anderson clarifies that end units would be side entry, and interiors would be front entry.
David Taylor asks why we would need a ZTA and asks what the ZTA would say. Contrucci reminds that this use is not recognized in any of our zoning. Taylor asks if making that type of Amendment would be considered spot zoning. Contrucci says that would be determined by counsel.
Sheila Jarboe states that our comp. Plan allows a maximum of 8 units per acre. Reminds that Payne Lane has 1.7 acres. Contrucci again states that the buy-right is still much more intense that what is proposed.
David Taylor asks about units per acre, does it apply to apartments? Apartments must be on the second and third floor, unit numbers depend on the total square footage of retail space, then done by percentage thereof.
Sheila Jarboe asks about rear entrances for cars? Peg Contrucci shows plan, shows how all road frontage will have

front doors only. Asks what is being proposed to widen Payne Lane. Contrucci states nothing would be done to widen Payne Lane. Contrucci states that if we make consideration for the ZTA then he would go further with more detailed plans possibly include the roads. Jarboe says she would need more information to go further with the ZTA. Contrucci reminds that this decision tonight would just allow the initiation of the ZTA. Jarboe would like to see alternative plans. Contrucci states the only alternative would be the retail/apartments. Jarboe states that most of the people moved into Haymarket thinking there would be small retail throughout Washington Street. Bob Miller asks John Bennett if its possible to craft legal language to concentrate only on this one piece of property. Mayor states that if we allow all B-1 and B-2 zones to have this plan we would have over 500 townhomes in Haymarket as Jarboe stated. Bennett feels this would be possibly spot-zoning. Bennett states this is just an initial opinion and would not like to comment too much until he has thoroughly looked into the legality of ZTA's. Contrucci states that ZTA are at the discretion of the TC. Bennett reminds that when there is residential in should be in an "R" zone. Bennett states he has a problem with sticking pure residential in a "B" zone. He questions why would we examine this residential plan on this much B land. Bennett recommends a ZTA with the re-zoning to R-2, or create an entire new zone. Lynda Farr is confused about the B-1 property. Currently has two houses and two businesses. Asks how B-1 and B-2 differ. Mayor speaks on uses in those zones. Farr doesn't see how any more cars can travel on Fayette, Payne, and Jefferson Streets, especially during rush hour or if there is an accident on I-66. Sheila Jarboe states that Haymarket is not Leesburg or Alexandria and that it never will be. States that the town sees more revenue from businesses. David Taylor asks if we are going to make a motion on this, and what was PC's logic in recommending to go further with a ZTA. Bennett asks about buffers, roads, etc. Taylor asks why PC recommends ZTA as a opposed to new zone. Taylor expresses concern over PC's lack of investigation into the ZTA and its possible problems. Shepard says the ZTA would be appropriate because of the huge use difference. Taylor asks if we are opening the gate if we create an R-4 and let this B-1 re-zone to that? Bennett says this would be a possible concern. Peg Contrucci states she has served on ZORC for several years and is very familiar with ZTA processes. She states that the county does this a lot to create these "town centers", which obviously offer a higher density than the rest of the suburban neighborhoods. Mayor asks for the locations and the exact wording of the ordinances. Ms. Contrucci says she will be glad to furnish this information with photos if we initiate the ZTA. Jarboe states she is on the Historic Commission, says she wishes preservation of the historic homes. Contrucci states that the reason the "historic homes" are in a B-1 and B-2 district is that they had plans of bringing them down. The owners of the land will make the best use for the money as possible.

CITIZENS' TIME

Phyllis Johnson

Reminds that historic district penetrates beyond Washington Street. She has experience with this and is interested in helping getting the meeting of the minds.

Mayor speaks of the Charette that will be presented at the next meeting on August 4,

2003.

Ron MacInnis

Says he believes the town has once again been given an ultimatum, just like with Sherwood Forest. Wants to know if there is application to the BZA. Mayor states no.

Terry Karnes

Says the PC did not vote on having a ZTA, they voted to let the TC decide further. Reminds that those are two of the narrowest roads in Town. Says we should get the proffers now or you don't move on anything.

Jeff Deitrich

He had an engineer look at the preliminary plan and was professionally stated that it would probably double the water flow onto his property, that is already a problem

Linda Landwehr

Notes she is on the Haymarket Historic Commission. She is against this project, and requests preservation of the two historic homes in question. Reminds everyone that children need yards to play in not streets.

Ellie

Opposed to the Mews at Haymarket. Opposes the demolition of the structures that exist. She does not want high density housing.

Bob Weir

He is questioning the ZTA itself. Feels that one with enough financial backing could work themselves into the ZTA if it gets written. There is no use in having the zoning to begin with.

Dianne McKnight

Notes she does not live in town. But believes Haymarket has something to market. Tourism is an extremely huge industry.

Maria

Spent a lot of time waiting to buy property in Haymarket, and then understanding the tax money being used for the streetscape. Likes having her town "walkable".

Dottie Leonard

PC did not vote for a ZTA, they voted for us to look at and study the possibility of one. The property on the front will remain commercial. Leonard feels the shops should be on the main street. Leonard corrects mayor and says we cannot tell people no to their buy-right. Reminds everyone to be careful, you may get what you want.

Pam Bosque

Originally was concerned about the severe traffic problems this proposal would create. She is now more gravely concerned about the storm water management. She believes the amount of storm water will double from the proposed town-homes. She is one of two homes on Fayette that does not have a sump pump because she has a walk-out basement. Feels a creek will be created in her backyard.

Child

If you tear down the two homes you will never be able to re-build them.

Contrucci

Assures that the new development would have its' own storm water management. Bosque asks if the developer would fix the already existing problem. Contrucci states that they would only provide storm water management for the project under development.

Sarah Turner

Speaks of the Historic overlay status received in 1997. The home should not come down. She says you never will know what might turn up with the old homes in town, they could have some significant historic value. Speaks of her regret that the town did not purchase Winterham. She feels the town has not supported businesses that have come into town. Feels Mr. Costello should be thanked for making Winterham so beautiful.

Pam Gillam

Wonders where children will play. States that Contrucci says purchasers would be empty nesters (no children), playing areas are a big issue.

- Nancy Bailey Asks about rear entry garage access, alley ways? Town does not allow alley ways. Contrucci states this would be a part of the ZTA. Bailey states the town does not allow private streets. Ordinance also requires 2 parking spaces for each home. Contrucci again states that would be also included in the ZTA.
- Derek Karnes Reads aloud a letter from Pamela Stutz, business owner and resident. She is opposed to Town house proposal. Letter refers to this proposal going against the Comprehensive Plan. Comment from himself regarding lack of parks and common areas.
- Sandra Turner Speaks of her hopes for Haymarket to be pedestrian friendly. Speaks of historic homes.

CITIZENS' TIME CLOSED

Shepard Motions to initiate discussion of Zoning Text Amendment
Miller Seconds

Discussion: Taylor comments that PC should look at a new zone. Feels this opens the door for other B-1 and B-2 districts. Taylor reminds that most of the people bought their homes with the knowledge of business development. Miller says this is just a commitment to discuss not a commitment to write the ZTA. Jarboe disagrees and feels we should listen to the residents. Taylor asks what is the benefit to the residents to allow a ZTA? Shepard says the alternative would be devastating to the town, meaning the apartments. Shepard the town home proposal is the lesser of the evils. Miller states a lot of traffic will be brought into the heart of town with businesses. Miller reminds that we do not have a super structure, we are creating one. Taylor does not see a compelling reason to make an amendment to that zone. Jarboe expresses concern about losing control. Mayor discusses the Charette and Mark Gibb's presentation on August 4. Mayor feels this ZTA is an avenue to begin discussion.

Ayes: 2, Miller, Shepard
Nays: 3 Jarboe, Taylor, Farr

Taylor expresses his hope of continued participation from the citizens. Informs that volunteers are always needed.

Jeanie Heflin Reminds of recent re-zoning and Shepard's vote for that re-zoning at the Winterham property.

Mayor dispenses to reading of the minutes and asks Taylor for a police report.

POLICE REPORT

Taylor represents PD. Thanks all for Bike Rodeo participation. On behalf of Roop, thanks to Chuck Carnahan, Ron MacInnis, Sheriff Stofregen, State Farm Insurance, Mr. Benjamin.

TREASURER'S REPORT
Tabled

BUSINESS LICENSES

DC Metro Auto Sales-Shepard makes motion to approve, Miller Seconds
Ayes: 4-Jarboe, Taylor, Shepard, Miller

Nayes: 1-Farr

No Discussion

Anve Services-Home Business

Shepard motions to approve, Taylor seconds

Discussion: Taylor asks about customers coming to a home, is that allowed. Mayor refers to Come Paint with me business and that customers visit that home business.

TABLED

AGGRESSIVE MORTGAGE: Taylor makes motion to approve, Shepard seconds

Discussion: Farr questions the permissibility of a business on top of the bank building, Mayor assures that there have been other businesses in there about a year and a half ago there was one.

Ayes: 3-Taylor, Shepard, Miller

Nayes: 2-Jarboe, Farr

SIGN PERMIT ORDINANCE CHANGE

Shepard motions to Adopt ARB recommendations on the sign ordinance..Miller seconds (see attached)

Discussion: Jarboe asks about the possible obstruction of sight at intersection. Mayor states that he has physically walked this through; there is no obstruction. Jarboe makes sure that trucks being higher up can also see. Taylor asks who will be responsible for the sign. Mayor states that each business on sign will be responsible for sign. Taylor would like ordinance to say that the sign is strictly directional for businesses. Farr asks if she can have one on her property. Yes she would be able to. Farr asks if that would be for the townhouses as well. Mayor states there can't be a sign on every corner on Washington Street. Taylor states we don't want one at Shopping Center. Mayor states there is no street there. Farr reminds of Costello Way. Farr asks if the sign can be on both sides of the road. Taylor states that we should limit it to B-1 and B-2 businesses, that would eliminate any store at the shopping center, being I-1.

Nancy Bailey asks if the specifics of the sign were made part of the public hearing. Mayor reminds that changes can be made after the public hearing, cannot make substantial changes. One change made, Sign can only be directional for B-1 and B-2 zoning districts.

Nayes: 0

Ayes: 5

Ordinance Change approved

Sign Application

Details for the Home: Discussion over location. Need a plat.

Shepard makes motion to approve sign, Miller seconds

TABLED

84 Lumber : Ask for Plat. Doesn't have one. Lowery states there is no plat yet, however, we have site plans for the whole project on premises, that should be acceptable. ARB approved. Discussion over sign location. Sign will be 1x8 see diagram

Taylor motions to approve sign, Shepard seconds

No discussion

Ayes: 5
Nays: 0

Additional sign from 84 Lumber. Approved by ARB and PC.

Taylor motions to approve second sign, Shepard seconds

Ayes: 5
Nays: 0

84 Lumber continued Canopy change of materials, from 2C to 5B. Lowery informs that is really only his concern. Sent to Building official.

Mini-barn display, Certificate of Appropriateness. Mini barns are located behind the new show-room, signed off by Mayor.

New Paint color on old building, Certificate of Appropriateness. Beige and Cream, Gray, forest green. ARB approved.

Shepard motions to approve paint colors, Taylor seconds.

Ayes: 5
Nays: 0

Sign Application For Super Star Motors

TABLED pending photo of building and sign style, lettering

Deck Permit for 14705 Dogwood Park Drive

Taylor motions to approve deck permit application, Shepard seconds.

Ayes: 5
Nays: 0

Haymarket Museum

Iron railing at new steps. Lowery informs that no permit is required for this installation.

Construction Permit

Rezoning Application

Certificate of Appropriateness

11:23 p.m. adjourned.

RESPECTFULLY SUBMITTED:

APPROVED:

Jennifer Preli

John R. Kapp, Mayor

Minutes
Town Council Meeting, Monday July 14, 2003
7:30 pm

Jack Kapp, Mayor
James T. Shepard, Vice Mayor
Councilman David Taylor
Councilman Robert Miller
Councilwoman Linda Farr
Councilwoman Sheila Jarboe

Stand for Pledge of Allegiance and Prayer given by Councilman Miller.

Regular session called to order at 7:35pm

Citizens' Time

Pam Bosque, 6763 Fayette Street, asked about the status of deck permit.

Wayne Rodgers, president of Coalition Against Hunger, inquired about the vacant space located at 15012 Washington Street. Mayor Kapp noted that the space could not be leased until the pending law suit with Haymarket Grocery is resolved.

Nancy Bailey asked that the new Town Attorney be introduced to the citizens. Mrs. Bailey also asked if Mayor Kapp had received a written statement from Mr. Rafferty stating that the parcel he owns would not be rezoned to Business-1.

Ron McInnis inquired about the turn lane for 84 Lumber on Washington Street taken from Mr. Ayers.

Nancy Bailey stated that the developers are required to provide streetlights and sidewalks.

Rocky Gorge Homes presentation

Joe Contrucci presented a conceptual plan. Properties include Able Properties and property on Payne Lane owned by Alan Gossom. Properties are currently zoned B-1 and B-2. Planning Commission voted unanimously to write a Zoning Text Amendment. Jack Anderson, from Rocky Gorge Homes, stated the price range would be starting at \$280,000. All houses will have two car garages that would be rear-loading. Zoning Regulations do not currently allow townhouses in B-1 and B-2 districts.

Citizens Time

Jeff Dietrich is concerned the water flow in his backyard will double if townhouses are approved.

Linda Landwehr is against a zoning text amendment because of traffic flow and prefers to see neighborhood commercial.

Ellie is opposed to zoning text amendment because it depends on the demolition of two historic structures and it depends on a zoning amendment.

Bob Weir is concerned that a Zoning Text Amendment for the townhouses will create a precedence for more.

Maria Turner moved to Haymarket so that she could walk to shops.

Dottie Leonard, Planning Commissioner, stated that the Planning Commission did not vote for a Zoning Text Amendment, but did vote to look into it further.

Pam Bosque is concerned about the traffic impact and storm water management.

Sarah Turner is concerned about the historic structures.

Minutes
Town Council Meeting, Monday July 14, 2003
7:30 pm

Pamela Gillum is concerned about where the children of the proposed townhouses would play.

Derek Karnes read aloud a letter from Pam Stutz. (See attached.)

Citizens Time Closed

Vice Mayor Shepard made a motion to initiate the writing of a Zoning Text Amendment, seconded by Councilman Miller.

Ayes: Shepard, Miller

Nays: Jarboe, Farr, Taylor

Motion denied with 2/3 vote.

Business License Applications

A Motion was made by Vice Mayor Shepard to approve the business license application from DC Metro Sales, seconded by Councilman Miller.

Ayes: Shepard, Miller, Taylor, Jarboe.

Nays: Farr.

Motion carried by 4/1 vote.

The business license application for ANVE Services was tabled.

A motion was made by Vice Mayor Shepard to approve the business license application for Aggressive Mortgage company, seconded by Vice Mayor Shepard.

Ayes: Shepard, Taylor, Miller.

Nays: Jarboe, Farr.

Motion carried by 3/2 vote.

ARB Recommendations

A motion was made by Vice Mayor Shepard to adopt the Arb Recommendations to the Sign Ordinance for Off-Site directional signs, seconded by Councilman Miller.

Ayes: All.

Nays: None.

Motion carried by 5/0 vote.

Sign Permit Applications

Sign Permit Application for Details for the Home was tabled until applicant could provide a plat.

A motion was made by Councilman Taylor to approve the sign permit application for 84 Lumber for a 1 foot by 8 foot sign, seconded by Vice Mayor Shepard.

Ayes: All.

Nays: None.

Motion carried with 5/0 vote.

A motion was made by Councilman Taylor to approve the sign permit application for 84 lumber for a 2 foot diameter sign, seconded by Vice Mayor Shepard.

Ayes: All.

Nays: None.

Motion carried with 5/0 vote.

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7:30 pm

Certificate of Appropriateness

A motion was made by Vice Mayor Shepard to approve the Certificate of Appropriateness submitted by 84 Lumber to change the color of the building, seconded by Councilman Taylor.

Ayes: All.

Nays: None.

Motion carried with 5/0 vote.

Sign Permit Application

Sign permit application for Superstar Motors was tabled.

Sign permit application for DC Metro was tabled.

Construction Permit Application

A motion was made by Councilman Taylor to approve the construction permit application for a deck at 14705 Dogwood Park Drive, seconded by Vice Mayor Shepard.

Ayes: All.

Nays: None.

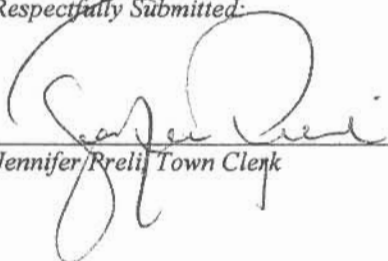
Motion carried with 5/0 vote.

Citizens Time

Pam Stutz is concerned about the condition of the buildings of the town and the vandeling of buildings.

Adjournment

Respectfully Submitted:



Jennifer Preli, Town Clerk

Approved:

Mayor

COUNCIL OF THE TOWN OF HAYMARKET, VIRGINIA
MOTION TO CONVENE A MEETING IN CLOSED SESSION
IN COMPLIANCE WITH THE VIRGINIA FREEDOM OF INFORMATION ACT

At a ~~regular~~/continuation/emergency meeting of the Haymarket Town Council on 7/14/2003 convened at 7:00pm, during the open session of the meeting:

"I _____ move that the Council convene in closed session pursuant to the public meeting exception to the VIRGINIA FREEDOM OF INFORMATION ACT contained in Virginia Code Section 2.1-3711 (A) subsection 7 for the.....

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.
3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
4. The protection of the privacy of individuals in personal matters not related to public business.
6. The investing of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.
7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. (For the purposes of the subdivision, "probably litigation" means that has been specifically threatened or on which the public body or its' legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.)

"THE SUBSTANCE OF THE MATTERS TO BE DISCUSSED IN THE CLOSED SESSION SHALL BE RESTRICTED TO THE CONSIDER ATION OF.....

Motion by Council Member: Shepard

Second by Council Member _____

Mayor Kapp _____ Council Woman Farr Y Councilman Miller Y

Vice Mayor Shepard Y Councilman Taylor Y Council Woman Jarboe Y

*****CLOSED MEETING*****

Council conducts its' business for which the closed meeting was called and votes to Re-convene in open session.

(No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, re-convenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation or motion that shall have its' substance reasonably identified in the open meeting.)

*****RETURN TO OPEN MEETING*****

At the conclusion of the closed meeting, during re-convened open session immediately thereafter:

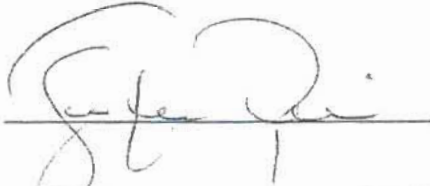
"I move that the Council certify, that to the best of each Council member's knowledge as recognized by each Council member's affirmative vote, only public business matters lawfully exempted from the open meeting requirements of the VIRGINIA FREEDOM OF INFORMATION ACT and only such public business matters as were identified in the motion by which the preceding closed session was convened; were heard, discussed or considered during the closed session of the Council meeting; and that the entire substance of this motion and the vote of each individual member be recorded and included in the minutes of this meeting."

(Any member of the Town Council who believes that there was a departure from the requirements of the VIRGINIA FREEDOM OF INFORMATION ACT, shall so state so prior to the vote, indicating the substance of the departure that, in his or her judgment, has taken place and the statement shall be recorded in the minutes of the Town council.)

Record of the vote of all of the members of the governing body to certify compliance with FOIA:

Mayor Kapp Y Council Woman Farr Y Council Woman Jarboe Y
Vice Mayor Shepard Y Councilman Taylor Y Councilman Miller Y

ATTEST:



Clerk of the Council