

Town of Haymarket  
15000 Washington Street, Suite 100 ~ Haymarket, Virginia 20169  
Monday, May 03, 2010  
Mayor Pamela E. Stutz

Mayor Stutz calls the meeting to order at 7:02 p.m.

Pledge of Allegiance

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

Mayor calls for an amended agenda item to call for a closed session pursuant to 2.2-3711 A(3) for the purpose of the Sale of the Town Center Property.

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Edwards motions to amend the agenda to include a closed session meeting pursuant to 2.2-3711 A (3), Leake seconds;

Ayes: 5

Nays: 1 (Weir)

PUBLIC HEARING

Saint Paul's Special Use Permit Application for a mobile classroom trailer to be located at 6635 Fayette Street.

Mayor would like it on the record that she steps down and recuses herself from the public hearing; she is employed by the applicant.

Chairman Leake calls the Planning Commission public hearing to order  
Landwehr, Ivancic, Leake

Saint Paul's SUP

1<sup>st</sup> Call in favor

Father David Jones, Pastor

Thanks the council for considering their application. He will be happy to answer any questions

2<sup>nd</sup> Call in favor

3<sup>rd</sup> Call in favor

Opposed:

1<sup>st</sup> Call

2<sup>nd</sup> Call

3<sup>rd</sup> Call

Leake asks for Opposed and in-favor

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Landwehr motions to close the public hearing, Ivancic seconds;

Ayes: 3

Nays: 0

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Scarbrough motions to close the public hearing, Edwards seconds;

Ayes: 6

Nays: 0

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Landwehr motions to approve the sup for Saint Paul's church for another period of 1-year with the same conditions as the previous approval, Ivancic seconds;

Ayes: 3  
Nays: 0

\*\*\*\*\*

Landwehr moves to close the special meeting of the Planning Commission, Ivancic seconds;

Ayes: 3  
Nays: 0

Citizen's Time

Jay Tobias - Rising Sun Lane

- Ms. Leonard's husband, Charles, has passed away
- Arthur's Court  
Reading through the packet, he thinks that the application should be judged on its own merit as a fence.
- He thinks that the Town Council has been doing a whole lot of over spending and is not taking responsibility; He believes it is at the cost of the town staff and other items. Almost all of the expense line items have been ignored.
- Meal's tax has been an on-going debate. When it was first introduced he was in favor of it. But unfortunately the council has used it "willy-nilly" He thinks that there is a proper use for it and that should be adhered to.

Sheila Jarboe

She talks about the Police Department; the last 4 times she has called there has been no one on duty. She shouldn't have to call the county. "Use the budget for what it is intended to, this council has spent unwisely. We don't need to have flags, we don't the poles lit or decorated for Christmas."

Minutes

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Edwards motions to approve the minutes of April 5, 2010, Kenworthy seconds;

Ayes: 6  
Nays: 0

Town Manager would like to make a change from the agenda, Quarles has withdrawn and the application will not be heard this evening.

Police Report

Officer Alex Luna is present on behalf of the police department

- This Saturday is a 5K Race (March on Melanoma).
- National Police Week starts Sunday, in honor of fallen officers
- Bicycle Rodeo is coming up on May 22. We teach bicycle safety to local children.

Building Official's Report

Not Present

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Business Licenses

One of the licenses is for an Ice Cream vendor. The Planning Commission's approval was premised on a background check, that has been completed and all is ok.

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Cole motions to approve the following business license applications

Ammar Alfrookh – Ice Cream Vendor (Iterant Merchant)

Paramount Promotions – Fireworks Vendor (Iterant Merchant)

Graham Consulting – 15000 Washington Street, Suite 206

CFS Service Corp. – Out-of-Town Contractor

Edwards seconds;

Ayes: 6

Nays: 0

Land Use Policy Update

Clerk explains the need to adopt the attached motion. In November 2008 some items were omitted that should be included.

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Edwards motions to approve the updated land use policy RES05032010 (attached), Scarbrough seconds;

Edwards

All in favor

Giuseppe's Landscaping Bond Release

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Scarbrough motions to release Giuseppe Russo's Landscaping bond in the amount of \$14,075 in the form of a letter of credit for 15120 Washington Street, Kenworthy seconds;  
Roll Call All: Edwards-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes

Arthur's Court

In late fall, 2009, we had a discussion on Arthur's Court. It was agreed that Vice Mayor Cole would speak to both parties involved. He waited until spring to address the noise because the nature of the business calls for good weather. Cole went 4 times to watch the events on Tuesday's and Wednesday's, normally from 5-7 pm. There was some barking, but it was not excessive, no more than any residential neighborhood. He did meet with the neighbor and her mother. They both stated that there has not been a problem since last spoken with.

Weir states it is a fence issue and it is a use issue. He comments that there is a requirement for a 25' buffer and he heard differently from both Ms. Powell's. He was given an email that says they are not happy with the noise level.

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Edwards motions approve the Certificate of Appropriateness for a fence to be located at 14891 Washington Street, #B for the business Arthur's Court to have a fence, without any restrictions  
Scarborough seconds;

Discussion: Weir comments that it's a for-profit business and you are enlarging the use. Mayor asks Mr. Bennett, this is an application for a fence is it not. Vice Mayor Cole mentioned business hours, should that be considered. Weir points out that there is a discontent from the owner of record on numerous occasions. He would like the record to show that there is recent correspondence that was sent to him

Roll Call Vote: Edwards-Yes, Leake-Yes, Cole-Yes, Scarborough-Yes, Kenworthy-Yes, Weir-No

#### Treasurer's Report

The Treasurer had promised that we would come to council in May with a budget amendment. The Town Manager is recommending that we hold the public hearing in June. There are some line items that have to be dealt with today so that we can make it through May.

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Edwards motions to amend the FY10 budget, by appropriating \$1,500 from the Reserve Account to line item expenditure Public Safety Vehicle Maintenance, Cole seconds;

Weir is not comfortable taking these funds from the Reserve Account.

Roll Call Vote: Edwards-Yes, Leake-Yes, Cole-Yes, Scarborough-Yes, Kenworthy-Yes,  
Weir-Abstain

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Leake motions to amend the FY10 budget by appropriating \$1,600 from the Reserve Account to Public works Landscaping, Edwards seconds;

Discussion: Weir, asks "what does this cover" The Town Manager responds mowing.

Roll Call Vote: Edwards-Yes, Leake-Yes, Cole-Yes, Scarborough-Yes, Kenworthy-Yes, Weir-No

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Cole motions to amend the FY10 Budget by appropriating \$1,000 from the Reserve Account to Public Works Maintenance Contract/Streets, Scarborough seconds;

Discussion: How much additional would it cost to do Greenhill Crossing  
Edwards seconds;

Roll Call Vote: Edwards-Yes, Leake-Yes, Cole-Yes, Scarborough-Yes, Kenworthy-Yes, Weir-No

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Scarborough motions to amend the FY10 Budget by appropriating \$1000 from the Reserve Account to the Street Lights Electricity line item, Edwards seconds;

Roll Call Vote: Edwards-Yes, Leake-Yes, Cole-Yes, Scarborough-Yes, Kenworthy-Yes, Weir-Yes

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Kenworthy motions to amend the FY10 budget by appropriating \$1500 from the Reserve Account to Payroll Processing Fees and \$5,100 from the Reserve Account to Payroll Public Safety, Leake seconds;

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Weir moves to divide the above motion, Cole seconds;

Ayes: 6

Nays: 0

\*\*\*\*\*

Kenworthy motions to amend the budget by appropriating \$1,500 from the Reserve Account to Payroll Processing Fees, Scarbrough seconds;

Roll Call Vote: Edwards-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes

\*\*\*\*\*

Weir motions amend the FY10 Budget to appropriate \$5,100 to Public Safety Payroll line item by reducing the Computer Equipment line item from \$10,000 to \$6,000; Reducing the credit line item from \$16,000 to \$15,000 and the remaining to come from the Reserve Account, Kenworthy seconds;

Edwards-No, Leake-No, Cole-yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes

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Edwards motions to amend the FY10 Budget and to appropriate \$2,000 from the Reserve Account to Town Hall Salaries;

Roll Call: Edwards-No, Leake-No, Cole-yes, Scarbrough-Yes, Kenworthy-yes, Weir-Yes

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Leake motions to amend the FY10 budget and to appropriate \$1500 from the Reserve Account to Events/Summer Concerts for the June concert, Edwards seconds;

Discussion: Concert that was cancelled in June was that paid for from the prior year. He (Weir) has been preaching necessities vs. niceties since the fall.

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

\*\*June 7 is the public hearing for the budget amendments and for the FY2011 budget, the publication has to be to clerk by May 26.

\*\*\*\*\*

Cole motions to advertise the following tax rates in support of the FY 2011 budget:

Real Property \$.164/\$100 Assessed Value; Prepared food & beverage tax 4%; Cigarette \$.30/Pack; Business Tangible Property \$.60/\$100 Assessed Value; All business license taxes as set out in the Town Code Section 14-46, Leake seconds;

Roll Call Vote: Edwards-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes

\*\*Mayor announces that June 22 will be the continuation meeting.

#### Computer Equipment purchases

\*\*Mayor would like to know the total of all grant money

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Edwards motions to appropriate \$6,000 toward the purchase of computers from PC Tech Solutions from the Computer Equipment line item, Scarbrough seconds;

Roll Call: Edwards-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes

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Leake motions to enter into closed session pursuant to 2.2-3711 A(3) of the VA code to discuss and consider publicly held property, namely the Town Center Property, Scarbrough seconds;  
Roll Call Vote: Edwards-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-No

\*\*\*\*\*

Leake motions certification of the closed session, that the only items discussed were those noted in the motion to enter, Scarbrough seconds;  
Edwards-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Stutz-Yes, Kenworthy-Yes  
For the portion he attended Weir-Yes

#### Town Manager's Report

- He has a document from Dominion VA Power regarding rate adjustments
- Street-scape program. We are moving ahead, we have started getting the "re-appraisals" done. Having Randy and Holly available has been immeasurable.
- Mayor and he met with VDOT regarding Connolly funds \$500,000 money that is generally transportation oriented, but broadly translated. Replace crosswalks with stamped asphalt; improve traffic flow and pedestrian safety. Install bike lane on Washington Street from Fayette west. Pedestrian trail at PD.

\*\*Mayor asks that council look at this and begin prioritizing.

- Weir asks about employee manual. Giving where the budget is going he would really like a copy of it.
- Lowery's list of Winterham. We have worked with Mr. Bennett and have sent a letter of notice regarding calling the bond.

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Leake motions if the work is not completed within 30 or if satisfactory written arm within 30 days of the date of the notice, then the town staff would be authorized to take the nec actions and steps to call the bond, Edwards seconds;

Roll Call: Edwards-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes

- The Town Manager announces that two meetings ago the council approved funding to repairs damages from the February blizzard. Council appropriated \$6,000; we have spent \$700 to date. The rest was to go to pot holes.

\*\*\*\*\*

Weir motions to appropriate up to \$6,600 for the repairs to the asphalt and gravel areas at the Town Center Property; Fund are to come from the Town Center Property Improvements line item, Leake seconds;

Weir moves, Leake seconds;

Roll Call: Edwards-Yes, Leake-Yes, Cole-Yes, Scarbrough-Yes, Kenworthy-Yes, Weir-Yes

#### Mayor

She reminds everyone to vote tomorrow

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Weir

Weir thanks to Supervisor Stirrups office, Scott Chamber and Mr. Griffin for quickly responding to a recent request for documents.

Scarborough

Thanks both clerks for their hard work on haymarket day preparations

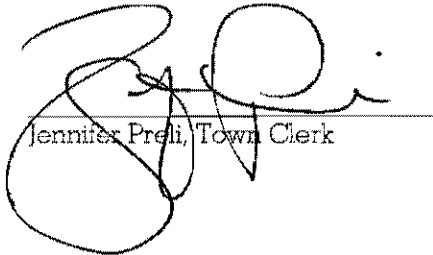
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Scarborough motions to adjourn the regularly scheduled meeting of the Town Council of May 3, 2010 at 9:20 p.m., Kenworthy seconds;

Ayes: 6

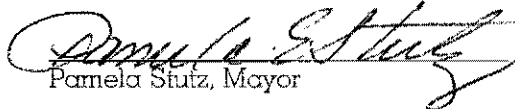
Nays: 0

Submitted:



Jennifer Preli, Town Clerk

Approved:



Pamela Stutz, Mayor

**Resolution 05032010-1**

**REQUIREMENTS FOR SUBMISSION  
OF LAND USE APPLICATIONS**

WHEREAS, the Town desires to achieve a more efficient administrative procedure regarding the acceptance of land use applications, ie: rezoning, preliminary site plan, final site plan, subdivision, zoning text amendments, boundary line adjustments, special use permits and similar applications, submitted for review by the Planning Commission and the Town Council, and to allow a more orderly review of such applications, the current policy must be amended.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Haymarket, Virginia, that in order to establish an efficient process for the review of land use applications and to define acceptance for processing and in order to establish a formal approval process for items to be included on the Planning Commission Agenda and the Town Council Agenda, the current policy shall be amended as follows so as to ensure adequate time for the Planning Commission and Town Council members to review all application materials prior to the scheduled meeting:

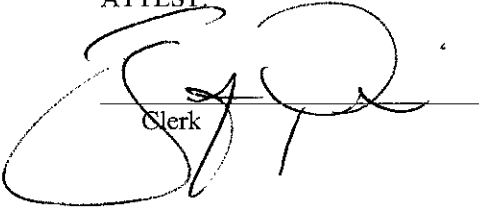
1. All land use applications, rezoning, preliminary site plan, final site plan, subdivision plan, zoning text amendments, boundary line adjustments, special use permits and similar applications must be submitted and accepted by the designee of the Planning Commission at least twenty days, or such longer period as may be necessary to allow the required advertising, prior to the next regularly scheduled Planning Commission meeting for inclusion on the agenda of that meeting. Any application shall not be "Accepted" unless and until all requirements set forth herein are complied with.
2. All applications must contain the requisite numbers of prints as well as all supporting narratives and documentation. In the case of submissions for final site plans, all approval letters from the required authorities and documents requiring approval as to form by the town attorney and payment of all fees and deposits towards costs incurred by the Town must be paid prior to Acceptance for review.
3. The Planning Commission designee shall review and determine if all required documents and approvals have been submitted. This review should occur within ten business days of submission of all final documents and all required approvals unless circumstances require a longer review period. This determination period as to the completeness and Acceptance of an application is in addition to the review periods fixed by ordinance or statute for review by the Town, VDOT, the Town engineer, Town attorney and other review agencies or professionals. These review periods are normally at least forty-five days after submission BY THE APPLICANT OF ALL NECESSARY REVIEW INFORMATION TO THE APPROPRIATE AGENCIES AND PARTIES and do not begin to run until a COMPLETE application has been submitted to all agencies and parties and the Application has been "Accepted" as set forth herein.
4. Any incomplete application shall not be deemed "Accepted" by the Town. An application shall be deemed "Accepted" only upon a written communication from the designee of the Planning Commission or Town Council. It shall be the applicant's sole responsibility to gather and submit all necessary materials, studies, reviews, approvals and other documents so as to have a complete and "Accepted" application.
5. The designee of the Planning Commission or Town Council shall be authorized, once such applications are complete, to submit such land use applications to the Planning Commission for its review and recommendations. The Town Clerk's office shall publish and make available an agenda and the supporting documentation for the next regularly scheduled Planning Commission meeting on the afternoon of the preceding Monday (Tuesday if a Monday is an official holiday) or the preceding Wednesday of a Town Council meeting.
6. No items shall be added to a published agenda without a two thirds consent of the Planning Commission or Town Council.

7. The Planning Commission is authorized to schedule a public hearing for the Town Council or a joint public hearing on the date of any regularly scheduled Town Council meeting for any such land use application, providing there is adequate time to allow the required advertising.
8. A copy of this resolution shall be delivered to each applicant upon submission of any application, whether complete or not.

Done and effective (but not as to pending applications) this 3rd day of December, 2008.

TOWN OF HAYMARKET, VIRGINIA

ATTEST:

  
Clerk

Voting aye: EDWARDS, LOVE, COLE, SCARBOROUGH, KENWORTHY, WEIR

Voting nay: Ø

Absent: Ø

Abstaining: Ø