

TOWN OF HAYMARKET, VIRGINIA
Chartered 1799
County of Prince William

HAYMARKET TOWN COUNCIL

February 2, 1998

MAYOR

John R. Kapp

ATTORNEY

Charles Jamison

COUNCIL

James Shepard, Vice Mayor

Mary Lou Scarbrough

Dottie Leonard

Bob Seffinga

Mark Branca

Richard Bird (absent)

Mayor Kapp opened the regular meeting at 7:35 p.m. with the Pledge. Rev. Ron Christian interim minister of Shepherd of the Hills Lutheran Church led the Council in prayer.

Minutes of the January meeting

Vice Mayor Shepard moved to dispense of the reading, approve with corrections noted, second by Councilwoman Scarbrough. Paragraph 4 (Q-Stop) Kapp misspelled and last sentence doesn't read right. Motion carried by unanimous vote.

Police Report

Sgt Bockey states in January there were 75 traffic violations. He and Officer Roop attended training program called Smart, Safe & Sober. Program done in waves, wave 4 being occupant protection. Our PD will do a special survey by the end of March. Wave 5, the end of April through June will be aggressive driving.

Sgt Bockey and Officer Roop will attend training on February 3 to qualify with their new guns.

Digest of Certain Acts - PD has not met with Atty Steketee. They will be prepared for the March meeting. They will review both traffic and criminal codes.

Cops Grant

On January 23 Sgt Bockey heard from "Cops grant" that Haymarket has been approved for one new officer. He is waiting to hear about the next stage.

General Orders

They are here for review.

Moving PD temporarily

Mayor Kapp states the PD will have to be moved temporarily for the floor renovation. He asked Sgt Bockey where he would like to move temporarily. The space must be secure for evidence. Mr. Lowery states it will be three for four weeks. Sgt Bockey states Mr. Gossom has space over the hardware store. Sgt Bockey will look into whether to go to Winterham or look for another facility.

New Officer

Councilman Branca asked what equipment a new officer would require. Sgt Bockey states

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uniforms and a gun belt. Mayor Kapp would like to set up an advisory council to review resume's and make recommendations to the Council. On the committee will be Councilwoman Dottie Leonard, Bill Hunt, Sgt Bockey, Officer Edwards (active duty Fairfax County officer) and Councilwoman Mary Lou Scarbrough.

Atty Jamison states this group must take minutes of the meetings. The position will be advertised once we get the final approval from the Cops Grant program.

Treasurer's Report

First Virginia Bank general fund account beginning balance December 31, 1997 was \$60,049.58 January expenses of \$30,277.80 January deposits of \$33,831.12 ending balance January 31 of \$63,602.90.

Unpaid Bills

Councilwoman Scarbrough moved to approve the unpaid bills of \$648.76, second by Councilwoman Leonard. Motion carried by unanimous roll call vote.

Additional allocation for budgeted items - January

Councilman Seffinga moved to approve allocation of \$8,238.31 for budgeted items, second by Councilwoman Leonard. Motion carried by unanimous roll call vote.

Business License

Cramer, home business, 6721 Madison Street - Mayor Kapp states he talked with Mr. Cramer who claims he does not have any employees working for him, they are sub-contractors who work for him every day. They do report to his residence, they are driving his equipment states Sgt Bockey. Atty Jamison states code 12-1 home occupation says no person employed not residing on the premise. Atty Jamison asks Mr. Cramer provide some documentation proving these folks are not employees but sub-contractors.

Ahmad Jafari, Econo Car, 6707 Jefferson Street #6 - Councilwoman Scarbrough moved to approve, second by Vice Mayor Shepard. Motion carried by unanimous vote.

Navware Corp, Ronald Cimo, 14916 Greenhill Crossing Drive - software and hardware re-seller. Councilman Branca moved to approve, second by Councilwoman Scarbrough. Motion carried by unanimous vote.

Sign Permit

Econo Car, 6707 Jefferson Street #6 - Councilwoman Scarbrough moved to approve, second by Councilwoman Leonard. Motion carried by unanimous vote.

Mayor Kapp asked Alan how he is coming with the new signs for vehicle dealers. Alan says most of the signs are up, only ones outstanding are those that do not have final approval from the state.

Class Act Design, 14891 Washington Street (behind Madison Corner Shoppe) - Councilwoman Leonard moved to refer to the PC & ARB pre-approved, second by Councilwoman Scarbrough. Council requested applicant bring the proposed sign to the ARB meeting. Motion carried by unanimous vote.

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Certificate of Appropriateness, Class Act Design, 14891 Washington Street, sandwich board

Councilwoman Leonard moved to refer to the ARB, second by Councilman Branca.

Councilman Branca says if this is a temporary sign, and is it to be out 2 or 3 days a week it does not qualify for temporary sign (limited to no more than 14 days a year). Councilwoman Leonard withdrew her motion, Councilman Branca withdrew his second. Councilwoman Leonard moved to refer to the PC and ARB not pre-approved, second by Councilwoman Scarbrough. Motion carried by unanimous vote.

Building Permit

Alan Gossom, 15001 Washington Street, repair to exterior wall corner, replace stone -

Councilman Branca moved to send to the Building Official, second by Vice Mayor Shepard.

Motion carried by unanimous vote.

Ryan Homes, Section 9, Lot 31, 6860 Jockey Club Lane, Rosemont G - Councilman Branca

asked about ARB elevation types. Mr. Lowery states the Rosemont plans have not been

approved yet. Councilwoman Leonard moved to send to the PC, ARB and Building Official pre-

approved, second by Councilman Branca. Motion carried by unanimous vote.

Bilaw Inc., 6958 Jockey Club Lane, deck - Councilman Branca moved to pre-approve and send

to the PC, second by Councilwoman Leonard. Motion carried by unanimous vote.

US Home, Section 2, Lot 10, 6885 Jockey Club Lane, Birchfield A - Councilwoman Leonard

moved to refer to PC, ARB & Building Official pre-approved, second by Councilman Branca.

Motion carried by unanimous vote.

US Home, Section 2, Lot 15, 6884 Jockey Club Lane, Avalon A - Councilwoman Leonard

moved to send to PC, ARB and Building Official pre-approved, second by Councilman Branca.

Motion carried by unanimous vote.

Site Plan Review

Old Bank Cafe, 14930 Washington Street, parcel 2, off site parking lot - Councilwoman Leonard

moved to send to the PC and Building Official pre-approved, second by Councilman Branca.

Councilman Branca asked for supplemental information - narrative was submitted and the

parking agreement. Councilwoman Leonard states the street scape requires off street parking.

Mr. Contrucci says there will be a buffer with landscape, park bench, replacing sidewalk for

entrance, and acorn lights. He suggests they submit a separate certification of appropriateness.

Councilwoman Leonard says we are not meeting our need to have our buildings on the street.

Councilwoman Leonard moved to revise her motion to include ARB review as well, second by

Councilman Branca. Motion carried by unanimous vote.

Site Development Permit, revised off site parking - formerly approved parking on Winterham -

site plan says applicant is switching to a new site at 14930 Washington St. parcel 2 - revision to

Old Bank tenant shell. Councilman Branca moved to approve revision to Old Bank Cafe site

plan, second by Councilwoman Scarbrough. Motion carried by unanimous vote.

Citizen's Time

Mayor Kapp advised limit of thirty minutes of Citizen's Time asking how many citizens would like to speak. There were four who wanted to speak, therefore, the Mayor limited each to seven minutes.

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Mr. Ralph Ring states in regard to the town approval for the second load bearing partition the calculations supplied by US Home - he submitted them to his professional engineer the results they are (according to his engineer) unorthodox, there is no punching shear calculations - calculations show stress on upper levels. Calculations are based on use of 4" of concrete not 4" of gravel. Mr. Ring would like correct calculations. Councilman Branca states they (calculations) look incomplete. He asked Mr. Lowery if he looked at structural design. Councilman Branca asked if the certification is taken from the professional engineer or do we review the design. Mr. Lowery did put this through his computer and they were complete. Councilman Branca states the engineer is taking the responsibility for the design. Mr. Ring states there is no lateral support on the upper beam, which can twist. Councilman Branca suggests Mr. Ring take these differences to the Board of Registry as these are legally acceptable.

Mayor Kapp reiterated the town attorney advised Council the building code is all we can enforce. The issues are not with the town - the engineer has certified this plan. Appropriate action is appellate board to challenge the engineers credentials. If the Building Official is challenged it goes to the board of appeals at Prince William County. Atty Jamison states the town can not do anything but comply with the code. We are not a board of professional engineers. Mr. Lowery says the best thing for Mr. Ring is to file a letter to Mr. Lowery with his engineers calculations and certifications for appeals.

Mr. Wheeler states last month the Town Council said they are not in the warranty and repair business. He says all they want is for the town to uphold BOCA code in regard to waterproofing modification. He states his deck plans were required to have additional supports to his typical deck plans yet US Home has been approved for a modification.

Mr. Lowery says he approved the DECO 20 damp proofing for waterproofing due to the former building official approving it for use as waterproofing.

Mr. Wheeler brought up his waiting for a meeting for approval of his deck, US Home can get a lot line adjustment without having to submit to the Council.

Mr. Lowery states Gary Eddy called Prince William County who told him DECO 20 is an approved product for the county. Mr. Lowery states he has not been here long enough to know if there are any hydrostatic issues in town.

Councilman Branca asked how Gary Eddy approved DECO 20 per Prince William County. The issue is being studied by the research institute. Mr. Ring states Mr. Lowery has told him the product is not adequate for waterproofing in the past.

Atty Jamison asks if it is really a code violation? Maybe Council wants to get a written chronological report and a copy of the code section.

Mr. Novitsky asks what happened to his original plans for his home. Mayor Kapp says he does not control those plans. It has come to Mr. Novitsky's attention his plan is missing. If the original plan called for coal tar and it is not there it is a violation. Code mandates the Building Official enforces the code. The Building Official has authority to approve alternative materials as long as they are comparable materials.

Mr. Lowery states Gary Eddy is signing a letter stating he approved alternative materials. Mr.

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Novitsky asks if approved plans can be changed by Building Official is it okay? Atty Jamison says he hopes no one is making retroactive approval of changes. Mr. Lowery says Council does not have the authority to review plans for code compliance.

Mr. Wheeler says he can not believe that something was approved by telephone without a written statement (from Gary Eddy). Mr. Wheeler would still like to have his set of plans ordered.

Mr. Novitsky states missing plans is a serious issue, the commonwealth attorney and police department should be apprised. Councilman Branca states PC is responsible for plans and the ARB for historic district overlay documents. Mr. Novitsky would still like to have his set of plans he requested.

Mayor Kapp advised the plans are now kept in files in a locked room.

Councilman Branca asked what waterproofing US Home is using in the county side of Greenhill. US Home is not building on the county side, Ryan Homes is. Mr. Lowery answers DECO 20 with a water seal, the same product as US Home is using, is being used by Ryan.

Mayor Kapp met with Ron Pessinour from DECO products, who gave the Mayor a sample of concrete treated with DECO 20 and one not treated. Mr. Ring states when DECO 20 is applied it is the thickness of .005 thickness and he can not tell. Mayor Kapp put them in water which showed the difference, one absorbed water and one did not. The hydrostatic pressure is not taken into consideration with this demonstration. Mr. Lowery states only if the soils tests are done can he determine if DECO 20 is sufficient. The soils tests have not been done yet. Councilwoman Leonard asked why don't we do the soils tests. Mr. Lowery states it will cost \$200-300,000. Mr. Ring says in his letter of approval it states "providing the soils tests are done". Mayor Kapp asked Mr. Mallot of US Home if they are doing any soils tests. He states he gave Mr. Lowery results of soils tests done by Peterson Companies and they have since then gone to a second soils engineer and given him the same soils report and he is currently looking at those.

Mayor Kapp states he will be sure Mr. Ring gets a copy of those results within 60 days. Mr. Ring says even if the soils tests proves damp proofing is not a sufficient product this approval (of modification from Mr. Lowery) guarantees US Home the approval to use DECO 20 and we have no way to do anything but go to an appeals board. Mr. Lowery states he did not inspect those houses and Gary Eddy approved the use. Mr. Lowery states Mr. Ring would have to appeal Gary Eddy's decision. Mayor Kapp states it is a BOCA matter.

Planning Commission

Q-Stop, 15250 Washington Street, request for additional parking area - Council asked PC to report back on this request. The PC found Q-Stop is permitted for parking ancillary to the convenience store use. There is no limit to parking, the issue implies short term parking consistent to store use. Applicant is to provide landscaping and all Article 8 site plan requirements.

ARB

Councilwoman Leonard reports the same issue (Q-Stop additional parking) came before the ARB. Councilwoman Leonard states she feels very strongly the need to enforce not allowing a truck stop. The applicant openly stated the request for additional trucks and overnight use. There is sympathy for the truck drivers and from the PC Liaison. The ARB voted to not allow

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unless applicant can prove there is not sufficient parking for their customers. The ordinance does not allow a truck stop in town.

Councilman Branca states the PC discussed general feel and intent from the owner is for truck parking. The owner stated he can not regulate the length of stay. The PC found a truck stop is not a permitted use. If the town does not disapprove the intent and the owner can not enforce do we have a legal case if we allow them to enlarge the parking and they do and then they can't enforce the no parking (long term). Are we at risk? Police can ticket and enforce the parking regulations.

Atty Jamison says we do not have to approve, saying we need to know the scope of his request.

Councilwoman Leonard says with Route 66 being the gateway to the town, 18 wheelers are not what we want to encourage. Our Historic Overlay protects us.

Atty Jamison will study and report back to Council.

Councilman Seffinga says the people who own the property, that under the ordinance, if they want to put in temporary parking for their store we can not keep them from doing it. We can enforce the buffer and landscape. Councilwoman Leonard thinks the Historical Overlay will hold up in court. She states the applicant said he wants parking for trucks. Do we want to take on the expense of our police enforcing the parking?

Historic Commission

Mrs. Turner has petition in regard to the Rector Funeral Home signed by several members of the commission.

Mrs. Turner asked about the stairs being removed for the floor restoration, will they be put back. Mr. Lowery assured her they would.

The commission discussed plaques for four houses. One on Alan's lot on Payne Lane & Jefferson Streets, the Brownie Bass house and the Price home.

Mr. Rehrig and Mrs. Turner are to research historic markers in town.

BZA

Atty Jamison states he has the reappointment to the BZA of Mr. Cybulski document for Council.

Building Official

ISO report - Mr. Lowery states it is in process of going to them in April.

Accounting - building permit inspections - Councilman Branca asked if we have this submitted yet. Mr. Lowery states he and the Mayor met and the Town Clerk looked at his method and approved. Councilman Branca asked Mr. Lowery what is the delay. Mr. Lowery has not gotten the computer program up and running. The full accounting will be complete by the end of February.

Trade permit procedure

Councilman Branca asked if it has been submitted in writing. Mr. Lowery states we will use up

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the permits we have and make up new permits. He states the Town Clerk is aware of the process. The Town Clerk states she would like to have the process in writing as there is someone assisting her in the Town Hall who will need to have access to the procedure.

ARB

Councilwoman Leonard added the ARB looked at ARB violations in Greenhill Crossing requesting a work shop with the Council and ARB. Scheduled for Monday February 9 at 7:30 p.m.

Building Inspector

Waterproofing - Mr. Ring finds it amazing that US Home gets everything they want and his government gives them everything they want. The Mayor will review the letter from Mr. Eddy and get it to the Rings.

Mr. Novitsky says, for the record, if there is any ARB embellishments missing on his home he wants US Home to put them on.

Street Paving

Jefferson Street - there is money to pave Jefferson Street. There are four poles that have to be moved before paving can be done. Councilman Seffinga says Jefferson Street was fairly smooth before it was torn up. Mr. Bolt and PWCSA will put in curb and gutter if Virginia Power will move the poles. Councilman Seffinga wants a definitive answer when the street will be paved. Councilman Branca says if Mr. Bolt is not moving forward the road should be done now.

Washington Street - Joe Darby of PWCSA says because there is no money left in the contract to do the repaving, due to hitting rock, etc., VDOT will pave it this summer but we will be digging it up next year. Councilwoman Leonard asked if it will save us money if we wait until next year. Mayor Kapp says we will save on our ISTE A money. Councilman Branca states in regard to the \$52,000 in the water district escrow account, maybe we can hold that until the street paving issue is resolved. Atty Jamison was asked if we can hold funds until they repair the street. He states as long as we use the money for the purpose for which we collected it. He will look into.

Madison Street - Mayor Kapp met with VDOT this morning. VDOT agreed to accept Madison St. with 25' radius. They marked the area needed, including Bill Smith's property and the attorney's office is working on the easements. Atty says they may need to speak with Mr. Price, the engineer, to confirm before they prepare the documents.

Bicentennial

Councilwoman Leonard states the committee met this evening. For Spring Festival they are trying to come up with more colonial theme events. They suggested we dress in colonial dress, sponsor a small horse show in one of the fields. She has invited a crafter who builds reproduction colonial furniture to demonstrate here. They are particularly looking for colonial crafts.

One suggestion was a fried chicken basket auction with a prize of dinner for two. Don Briand of PW's Eatery offered to supply that prize. Also suggested is a coloring contest, of a colonial theme, for elementary schools in the vicinity with a prize of \$25 in art supplies to the child's class room and a Haymarket tee shirt to the individual child. She offered to go to the schools and explain the bicentennial.

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Councilwoman Leonard states there will be a meeting in two weeks everyone is invited to participate.

Councilwoman Leonard says she has received a warm reception for the carriage rides. Maybe we can have one come back for the festival and make it cheaper to ride and the town fund partially.

Councilman Seffinga says Debbie and he enjoyed the carriage ride. He says some communities provide the rides and pick up the cost because it is difficult to sell enough tickets to fund it. It is a nice thing to have. Mayor Kapp says maybe we could have a shorter ride and reduce the cost to \$5 for an adult and \$1 for children. Council agreed this is reasonable.

Another suggestion is to have the living history group to act the part of Haymarket resident in colonial times. They were here for Lafayette Day, three to five of them at \$50 per person.

The committee suggested a horse shoe contest with a free carriage ride for the winner. Also a sack race (for children) with the prize of a free meal at PW's (also donated by Don Briand). Another suggestion is to have colonial costumes, she will ask Masters Tuxedos, and have a photographer take peoples pictures in them.

Mayor Kapp advised Councilwoman Leonard that Debbie Johnson called and said she could not make the meeting tonight but would like to help.

Citizen's Time

Don Briand of PW's asked about the Utility Service Tax. He says Prince William Co. charges, according to our ordinance (which is based on Prince William's) a maximum of \$100 per month per utility per consumer. He purchases electric from Virginia Power and is being charged double tax because he has two meters. Previously (to the town adopting the ordinance) Prince William collected and he is trying to get his money back from Virginia Power. Councilman Branca asks what is the definition of a utility service? We did not intend for him to pay double. Mr. Briand says others in town are paying more than once per utility; they are Century Stair and 84 Lumber. Atty Jamison asked for a copy of Mr. Briand's bills and he will look at legally. He asked Mr. Brian for a short description of the circumstances.

Mr. Briand asked about the street scape and when it will be complete. Mayor Kapp states that is an agenda item that will be discussed later.

Mr. Brian asked if rumor is correct that the town shot down someone's request for a steak house. No was the reply.

Mr. Briand wants to know when Sheetz will be made to comply and take down their neon sign. Councilwoman Leonard states Sheetz was grand fathered with all their aesthetics.

Mr. Briand asked in regard to Q-Stop wanting a truck stop is that allowed. Also why did the Building Official bring those plans to the ARB. Councilman Seffinga says Q-Stop brought a request to the Town Council and Council turned it over to the PC and ARB and the site plan came to the ARB. Mr. Lowery said he was here that night working when George Quarles asked him to present the concept as there was a death in the family. Jim agreed.

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ISTEA grant

Due to federal highway department and VDOT submission requirements we could not start construction before August 1998. We can put out to bid May 5, 1998 but construction could not begin until August '98. Rather than have the street torn up during the winter the Mayor and Councilman Branca would rather prepare for construction in March of '99. Councilwoman Leonard suggested we ask our governor to help us with this, after all this is our bicentennial.

Rodney Rehrig asked if this process just came up now. Councilman Branca says original schedule given us by the state was really aggressive. Utility relocation plans came back from the utilities with their design which was inappropriate due to their design having utility poles zig-zagging Washington Street. Relocation of utility poles was more expensive than we anticipated. Mayor Kapp's talk with GTE and Jones Communications resulted in them putting all their lines underground at no cost to the town.

Expected completion date of the first phase is July 1999. Mayor Kapp states no one is more disappointed than he and Councilman Branca who did their best to speed up the process.

Mr. Briand asked when the plan would be available to him so he can have the brick work on his frontage done at the same time and by the same people. Mayor Kapp states he will get that to Don.

Mr. Briand asked if a plan was submitted for the lot between the fire department and the bank and whether it was approved. Mayor Kapp states it is pre-approved and sent to the PC, ARB and Building Official. Mr. Briand asked if that is what the town thinks is appropriate for that space.

ISTEA Grant application

Mayor Kapp states the application for the next phase came in at 1.1 million dollars plus engineering, plus street lights. Zirk White says they do not like to approve projects over \$500,000 so the Mayor broke this phase in two, Madison Street to the end of the Baptist Church property, instead of the end of town.

Mr. Briand asked for the location of the lights and benches. PW's plans two benches on each side of his front, which they will purchase.

Bean's Trash Service

Mayor Kapp met with Everett Bean who states he fired the man who was throwing the trash cans around. Mr. Rehrig reports his wife watched Bean's drive past Gap Drive, not picking up the trash, and they observed them dumping the recyclables in the regular trash. This was last Thursday, supposedly after Mr. Bean fired the man.

Railroad

Mayor Kapp has the draft memo from the attorney to the Transportation Safety Board.

Street Scape Ordinance

Public Hearing scheduled for March 2, 1998 at 7 p.m.

Utility Service Tax Ordinance amendment

Section 2-52 & 2-52. Public Hearing scheduled for March 2, 1998 at 7 p.m.

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The Town Clerk reports Mr. Jaisonowski left a message he has just returned from out of the country and will pursue.

ISTEA application

The County endorsed our grant request.

Insurance

Council considered the letter from Hutton and Payne recommending the town accept the insurance proposal from VML. Councilwoman Leonard moved to accept the recommendation by VML, second by Councilwoman Scarbrough. Councilman Branca states VML does cover everything we needed except the liability for police officers. Motion carried by unanimous roll call vote.

Rats

Councilwoman Leonard states she spoke with Earl Tester, environmental health supervisor, Prince William County, who encourages the Council to adopt an ordinance that they would enforce and for which we could make a monetary contribution for their services. Councilwoman Leonard responded the Council would like his advise at no cost. He states he will meet with us and suggests we schedule a Spring clean up. He will prepare flyers, newspaper articles, etc. He states rats are more active in warm weather. A Spring clean up and treatment with traps would be beneficial. Mr. Tester stated that exterminators are bonded and insured but are costly. Council requested Councilwoman Leonard invite him to speak to them at our March 2 meeting at 7:15 p.m.

Bathroom/Floor Restoration

Mayor Kapp proposed to have Alan Gossom's men move all the equipment in the town hall out for the contractor to begin the restoration. The phone company will have to be scheduled to move the phone lines. Mayor Kapp will endeavor to have a cost estimate by February 16.

Bicentennial Banner

Mrs. Turner has contacted someone for a banner 20' x 3' made of heavy plastic with cable. Councilwoman Leonard says the bicentennial committee will have to approve it. Councilwoman Scarbrough states the Fairfax Price Club makes banners also.

10:30 Meeting continued to Monday, February 16 at 7 p.m.

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Present: Mayor Kapp, James Shepard, Mary Lou Scarbrough, Dottie Leonard, Bob Seffinga, Mark Branca, Atty. Charles Jamison

Absent: Richard Bird

Mayor Kapp called the continuation of the February 2, 1998 meeting to order at 7:10 p.m.

OLD BUSINESS

Zoning Code Review - tabled until later in the agenda

Inspection of commercial property - Mr. Lowery says we have to inspect commercial facilities, per state code, tied to the business license application. Atty Jamison would like to see the statutory requirements before making a statement. He will call the Fire Marshal about those inspection and Mayor Kapp will have Mr. Lowery call Atty Jamison.

Business License Violation - home occupation - Cramer's Hauling - Atty. Jamison feels the business should be only at their site, not to include independent contractors. Atty Jamison will talk to Mayor Kapp about the situation. Councilman Branca says it seems clear a home occupation would not allow subcontractors to report to your residence to pick up equipment. Atty says according to our code it doesn't appear to fit. Councilman Branca states if the contractor met the business owner at the job site it would not be a question.

Business License Violation - home occupation - Bailey Plumbing - Atty Jamison states he needs a business license even though he's retired on Social Security. Councilwoman Leonard states she was present when this individual came in and he assures the town he is retired and doesn't need a business license. Councilwoman Leonard asked if we can waive the application fee for senior citizens. Atty Jamison will check into the possibility of waiving the fee.

Councilman Branca states we need to make it clear to Mr. Bailey that he is required to pull a permit for work that requires an inspection.

Councilwoman Leonard says the advantage of having Mr. Bailey and Mr. Watts is they can work on old fixtures that the new plumbers can not fix.

Councilman Branca asked what is the town obligation to be sure he is licensed. Atty Jamison said the Town Council can take him to court if he doesn't comply. Atty Jamison says we have an obligation to see the thing through. Councilwoman Scarbrough says if he does work and something happens are we responsible. Atty Jamison says we could be.

Councilwoman Leonard says she will go see him and explain the business license process to him.

ARB Meeting - Councilwoman Leonard says the recommendation from the Planning Commission was to approve the parking lot between the firehouse and bank, most members were interested in a facade on the front of the property. The applicant volunteered to place a 3' wall on the Washington Street front. ARB recommended to make it a 4' wall with architectural element on the end posts. Applicant asked for leniency if VDOT will not allow the 4' heights. Another motion was made that if a wall lower than 4' is required by VDOT it is approved.

Councilwoman Scarbrough says the applicant did not want to wait an additional month if it is not

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allowed by VDOT. Councilwoman Leonard states the applicant rushed us to approve the tenant shell and parking for build out by Haymarket Day (1997) and nothing happened.

Councilman Branca asked what would the wall look like. Councilwoman Leonard said the same brick color as ISTEPA pavers, all elements will be as ISTEPA approved.

US Home volunteered \$300 worth of trees for each lot in violation. Ryan Homes volunteered to fix all their house violations except those we waived. Councilman Seffinga says if we allow US Home a waiver on all houses in dentil molding, we are setting another precedent.

The Town Clerk asked if it is everyone's understanding that all architectural elevations for Section 9 are to be submitted with the required dentil molding, colonial lintels and carriage lights. Yes, a full review for each model is required. Councilman Branca states he thinks we need to send to the PC and ARB to look at each house to check everything and not pre-approve anything.

Councilman Seffinga suggests we write a letter to each builder stating what our protocol is from now on that the plans will be resubmitted with requirements on the plans. Mayor Kapp will notify the builders that (1) Council expects new elevations submitted, (2) submitted for approval, effective in March, submittal of building permit to PC & ARB meetings (move meetings to) the last week of the month. Council to draw up a 1998 calendar - submittal to Town Clerk by Thursday preceding the last Monday of the month.

Councilwoman Scarbrough recommended we have the PC & ARB look at applications before it goes to the Town Council so Council is not pre-approving. Atty Jamison states that is the way the other jurisdictions do their applications, have the advisory committees send recommendations on to Council. The Liaisons will discuss this in their committees at their next meeting.

Councilman Branca asked if Council wants to continue approving building permits. Council consensus was to continue to look at them. Councilman Branca states the two elements of zoning and architectural need to be looked at. Council needs to see only permits that affect the footprint of the structure or the aesthetics of a structure, no trade issues need to be submitted to Council or committees.

Councilwoman Leonard says Mr. Bear raises the question if he has three trades working on his house, does he have to have three permits and how much is it. Councilman Branca answered yes, there would be three permits and they are \$30 for the first permit, plus \$9 for each additional permit.

Building Official Inspection fee payment - Councilman Branca moved to not pay Jim Lowery without the Council vote, second by Councilwoman Leonard. Motion carried by unanimous vote.

Madison Street cul de sac paving - Councilwoman Leonard asked about the status of this. Mayor Kapp said last weekend Fred Price drew up the survey with meets and bounds and has talked to the attorney who will draw up legal documents for the Smith property, Leonard property and Miller property. The Town Clerk reminded the Mayor the former Tinkham property is also affected. Atty Jamison asked if it is an easement or fee simple (conveyance) the Council requires. Mayor Kapp is to ask VDOT what they want. Mayor Kapp states it may take a year to

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actually get VDOT to pave the street. Councilwoman Leonard asked if VDOT will put in culverts. Mayor Kapp will ask VDOT.

NEW BUSINESS

Mountain View Yearbook ad - done

Legislative Bill - Election Day - Mayor Kapp states a notice from the Electoral Board gives the town the option of having the town election at the November elections and appointees take their seat on July 1. We would not have to pay for the election if we chose the November election.

Coalition Against Hunger - Kelly Rodgers requested a food box in the Town Hall for collections. The Council agreed.

Budget - Council needs to schedule a hearing in May and approve the budget in June for July 1 fiscal year. Work session scheduled for March 16 and April 13.

Bird Houses - Mayor Kapp states a 4-H group wants to build bird houses and hang them in the trees at the Town Hall. Council approved.

Greenhill Crossing, Section 9, bond release request - Councilman Branca recommends to not release the E&S bond and reduce the 75% to 25%. Councilwoman Leonard moved to reduce bond 75%, second by Councilman Branca. Motion carried by unanimous vote.

Utility Service Tax - Atty Jamison says in regard to customer with multiple meters we need to be careful how we word the ordinance. Atty Jamison will call Virginia Power and see how they work this.

Correspondence

Jones Communications - franchise renewal submitted - Councilwoman Leonard states she would like to have input in regard to their franchise. She says they are before the County now for a renewal. Councilman Branca asks what our options are. Mayor Kapp states the last request was for a 40 year contract but the town only gave them the minimum.

Councilman Branca wants to know what the Council does in regard to the franchise. Atty Jamison says you review their proposal and make a decision on what they present. Atty Jamison says you may negotiate and have more than one franchise. Now that deregulation is in effect we can negotiate. Councilwoman Scarbrough states we may need to put the word out that we are looking at other options. Atty Jamison will check with Bob Bendall about what is available.

Columbia Gas service - Councilman Seffinga asks who owns the gas lines. Columbia Gas owns the lines. Tabled.

Citizen's Time

No one spoke.

Request from the Town Clerk - The Town Clerk would like to attend the VMCA annual conference in New Market, Va. Councilman Branca moved to approve request to expend, not to exceed \$300, second by Councilwoman Leonard. Motion carried by unanimous roll call vote.

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Town Code update - Atty Jamison to check on Merchant tax and Court assessments.

Zoning Code Review

Cover page - site plan requirements - Councilman Branca states the PC to do; (1) need to put in definition of convenience store, (2) need to designate length of stay, (3) need to alphabetize the definitions. Atty Jamison suggests we pass an ordinance that we do not allow sleeping in vehicles (to address the truck parking) as putting a time limit is difficult to enforce. Atty Jamison asks for a copy of their proposal. Councilman Branca would like to strengthen the Code to support our footing in regards to not encouraging parking of trucks. Councilman Branca says a truck stop is not a stated permitted use but not defined in our Code. We may want to define short term parking. Atty Jamison says amend the Zoning Code by not permitting a defined truck stop, we could stop the (parking lot) expansion.

Councilman Branca states there is no grand fathered use as a truck stop as Q-Stop and Sheetz are not truck stops. Atty Jamison says by definition we should be clear in the Code. Atty Jamison will supply the amendment. Councilman Branca says maybe the town should regulate parking for trucks (in approved truck space). It would give the town police the ability to ticket those parking all over town.

Councilwoman Leonard asked what Q-Stop is defined as. Councilman Branca says it fits under convenience store, gas station, diesel station.

Quick Service Food Store - this definition does define Q-Stop. This brings up the seating violation in Q-Stop. The Town Clerk states Atty Steketee suggested the proper procedure is for them to apply for a rezoning.

Councilman Branca says the seating is still there, we have done nothing about the violation. Atty Jamison suggests we write them a letter and if they don't comply we will take them to court. Councilwoman Leonard says at some point we have to start exercising the ordinance. Councilman Branca states we have ignored the violation. Atty Jamison will draft a letter to remove the seating since BZA did not approve the waiver.

Councilman Branca is not in favor of the new zoning district B-3. He says the proposal would be a zoning district with no properties in it, the property would have to be rezoned into it. Councilman Branca states Ms. Via's presentation to the PC was the B-3 district would bring property in the Rt. 15/55 area into compliance, and that if this allows Q-Stop to have their seating this would make it comply. Councilman Branca asks if we want to restrict parking how many trucks may park at a site.

Section 12-11 Councilman Branca has no problem with this.

Landscape section - a lot of it parallels what Mr. Foley has done. Councilman Branca likes some if it better than what Mr. Foley did.

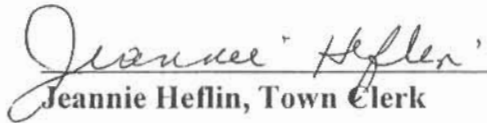
Council to review for the March meeting.

Adjournment

With no further business to discuss Councilman Seffinga moved to adjourn at 10:00, second by Councilwoman Scarbrough. Motion carried by unanimous vote.

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RESPECTFULLY SUBMITTED:


Jeannie Heflin, Town Clerk

APPROVED:


John R. Kapp, Mayor

tc298