

TOWN OF HAYMARKET, VIRGINIA
Chartered 1799
County of Prince William

HAYMARKET TOWN COUNCIL
April 6, 1998

MAYOR
John R. Kapp

ATTORNEY
Peter Steketee

COUNCIL
James Shepard, Vice Mayor
Mary Lou Scarbrough
Dottie Leonard
Bob Seffinga
Mark Branca
Richard Bird (absent)

Mayor Kapp opened this regular meeting at 7:30 p.m. and led the Council in the Pledge to the American Flag. Councilwoman Leonard led Council in prayer.

Mayor Kapp introduced Mr. John Hampton, President, I-66 Partnership who presented Council with information about the group. Mr. Hampton offered the town membership in the group for \$500 per year dues, which would hold a board position for the town as well as membership.

Mr. Hinton, Prince William County Health Department, spoke to Council about the rat problem in town. Mr. Hinton states the Norway rat is the primary rat seen in this area. They burrow under structures, can swim underwater through sewers. The primary reason we have rats is there is something for them to eat, i.e., dog droppings, bird food, trash (they will eat through plastic bags, cans). Rats have several litters per year.

The most effective way to combat rats is by good community standards, everyone has secure garbage cans, do not set trash out too early. He states you can not win the war by poisoning. The community has to want to pull together and identify the area of infestation. He suggests Haymarket may want to have an ordinance requiring secure trash receptacles, grass and debris ordinance, etc. The County Health Dept uses education capacity to inform residents that rats carry many diseases. Rats teeth constantly grow causing them to gnaw constantly. They will chew anything except steel wool. Traps and poison are a danger to pets and children unless there is a very intense effort by pest control company. Rats travel 200-300 feet from their burrow to food source. Rats will leave where there is no food.

Councilwoman Leonard asked if someone from the Health Dept would come out on clean up day and inspect the town. Mr. Hinton states dogs would have to be kept up and gates left open.

The toters from community trash company are best but if heavy duty rubber cans are use they must be kept in good condition. Also you need to secure the lid to the can to keep rats from getting in the can. If a restaurant leaves their dumpsters open or the plug left out rats will eat garbage. The Health Dept has many programs they can offer to assist in education.

Minutes of the previous meeting

Vice Mayor Shepard moved to dispense with the reading of the minutes and approve with corrections noted, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Leonard, Seffinga, Branca. Nays: none. Motion carried by 5/0 vote.

HAYMARKET TOWN COUNCIL April 6, 1998

Police Report

Sgt. Bockey reports in March 35 traffic citations were written, 1 criminal arrest for embezzlement, 1 DWI. Sheriff Stoffregen has offered extra help for the Spring Festival. The Safe, Sober survey on seat belt usage showed 61% people do not use seat belts. The check on March 31 on Jefferson Street and Jordan Lane saw many more warnings issued. Wave 5 of the program, April through June, is on aggressive driving. Sgt Bockey will have a detail. He has had many complaints at Rt. 15 and 66 west exit ramp. This is a State program which gives us credit for participating and allows us to apply for grants for updated radar.

COPS grant - letter received on March 12 confirming Dept. Of Justice approved the full time officer. Sgt Bockey will advertise the position until April 10. The committee will review the applicants. COPS will send a packet on obtaining the award amount.

Sgt Bockey states it has been reported several street signs were missing.

Criminal Code - the attorney's office has it. Atty Steketee will present at the May meeting.

Councilman Seffinga states Rt. 15 and Rt. 66 intersection the back up can be all the way to Rt. 66, and it is not illegal to turn right on Rt. 15 and turn around to go back to Haymarket. Sgt Bockey and Officer Roop will work on that.

Treasurer's Report

General Fund balance First Virginia Bank February 28, 1998 \$130,479.60 with expenses of \$33,395.74, deposits of \$43,366.22, adjustment (error) -\$15,365.16 to last report, balance 3/31/98 \$125,082.02.

Unpaid Bills

Councilwoman Scarbrough moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Leonard, Seffinga, Branca. Nays: none. Motion carried by 5/0 vote.

Business License

Cramer violation - Mayor Kapp states Mrs. Cramer stated their contractors quit or were fired and there is only them working out of the house. Atty Steketee states we should cite a violation. He will speak to Sgt Bockey about trailer and look at Cramer.

Rivendell Group, Nancy Groves, 6660 Hunting Path Road, home business - business/educational services - Vice Mayor Shepard moved to approve, second by Councilman Branca. Yeas: Shepard, Scarbrough, Leonard, Seffinga, Branca. Nays: none. Motion carried by 5/0 vote.

E&L Auto Sales, Leroy Lane, 14950 Washington Street #203, Independent Vehicle Dealer - Councilwoman Leonard moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Leonard, Seffinga, Branca. Nays: none. Motion carried by 5/0 vote.

C&S Auto, Charles DeGraw, 14950 Washington St... #205, Independent Vehicle Dealer - Councilwoman Scarbrough moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Leonard, Seffinga, Branca. Nays: none. Motion carried by 5/0 vote.

Shams Auto Sales, Yama Zarfary, 6707 Fayette St.. #7, Independent Vehicle Dealer - Councilwoman Scarbrough moved to approve, second by Vice Mayor Shepard. Yeas: Shepard,

HAYMARKET TOWN COUNCIL April 6, 1998

Scarborough, Leonard, Seffinga, Branca. Nays: none. Motion carried by 5/0 vote.

The Car Place, Harry Hamidi & Asadallah Asgari, 6707 Fayette St., #7, Independent Vehicle Dealer - Councilwoman Scarborough moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Scarborough, Leonard, Seffinga, Branca. Nays: none. Motion carried by 5/0 vote.

Sign Permit

E&L Auto Sales, Leroy Lane, 14950 Washington Street #203, Independent Vehicle Dealer - Councilwoman Scarborough moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Scarborough, Leonard, Seffinga, Branca. Nays: none. Motion carried by 5/0 vote.

C&S Auto, Charles DeGraw, 14950 Washington St., #205, Independent Vehicle Dealer - Councilwoman Scarborough moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Scarborough, Leonard, Seffinga, Branca. Nays: none. Motion carried by 5/0 vote.

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The Car Place, Harry Hamidi & Asadallah Asgari, 6707 Fayette St., #7, Independent Vehicle Dealer - Councilwoman Scarborough moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Scarborough, Leonard, Seffinga, Branca. Nays: none. Motion carried by 5/0 vote.

Building Permit

Ryan Homes, Sect 9, Lot 8, 6825 St., Paul Drive, Vandenburg C - Planning Commission and ARB approved. Councilman Branca moved to approve, second by Councilwoman Scarborough. Yeas: Shepard, Scarborough, Leonard, Seffinga, Branca. Nays: none. Motion carried by 5/0 vote.

Ryan Homes, Sect 9, Lot 9, 6871 Jockey Club Ln, Vandenburg a - Planning Commission and ARB approved. Councilman Branca moved to approve, second by Councilwoman Scarborough. Yeas: Shepard, Scarborough, Leonard, Seffinga, Branca. Nays: none. Motion carried by 5/0 vote.

Barboza, 6917 Jockey Club Lane, deck - PC & ARB approved. Councilwoman Leonard moved to approve, second by Councilman Branca. Yeas: Shepard, Scarborough, Leonard, Seffinga, Branca. Nays: none. Motion carried by 5/0 vote.

Warter (Lake), 6836 St., Paul Drive, deck - PC & ARB approved. Councilwoman Scarborough moved to approve, second by Councilwoman Leonard. Yeas: Shepard, Scarborough, Leonard, Seffinga, Branca. Nays: none. Motion carried by 5/0 vote.

Davis, 14895 Greenhill Crossing Dr., deck - PC & ARB approved. Councilwoman Leonard moved to approve, second by Councilwoman Scarborough. Yeas: Shepard, Scarborough, Leonard, Seffinga, Branca. Nays: none. Motion carried by 5/0 vote.

US Home, 6938 Little John Ct., sun room built - not approved - Mr. Lowery states all approved sun rooms are approved on piers, not basements or foundations. Councilman Branca would like to see the final site plan. US Home will submit a revised building permit before 4/23 to go to PC. Tabled.

HAYMARKET TOWN COUNCIL April 6, 1998

Ryan Homes, 14896 Greenhill Crossing Drive, sun room built - not approved - Mr. Lowery states there is also a boundary line problem on this property. Ryan to submit by 4/23. Councilman Branca states the homeowners brought the lot line problem to PC.

Citizen's Time

Mr. Bear spoke about the election. He asked the candidates to tell why they are running again.

Mrs. Bailey asked Council to post a sign that states a \$200 fine for speeding.

Planning Commission

Councilman Branca reports the only additional issue not covered was Mr. Quarles from Q Stop came to PC with a revised conceptual plan since his ARB review. His primary interest is to resolve the paving problem, erosion and solve the seating issue. We told him seating is a rezoning issue. Councilman Branca expects Mr. Quarles will come back to PC again. He is still looking to enlarging the store, restaurant, motel and additional diesel pumps. Now they need to move diesel to the rear of the store and separate auto and truck traffic.

Architectural Review Board

Councilwoman Leonard states ARB issues were: violations, residents and businesses, neon signs, awning not approved, red paint trim in town. Discussion was held with no action yet. Letter to Sheetz, their response was they want a violation notice.

Bicentennial Banner - submitted to Councilman Seffinga for art work.

Greenhill Crossing Violations - ARB recommends to Council to require US Home to add dentil molding to the following, except Avalon D from lintels, not allow future building of Avalon D since it doesn't lend itself to colonial features, Avalon elevation C is okay, Glenhaven, Brittany, Birchfield and remaining Avalon are okay since they do lend themselves to dentil molding enhancement. ARB recommends to Council to require adding dentil molding to all US Home models already built. The ARB felt Greenhill Crossing is really a lovely development, the colonial features are a great improvement.

Brick Sidewalks - The ARB recommends to Council brick sidewalks be in blue stone dust and all driveway entrances, require 4" concrete slab and if the budget allows the original herringbone design be reinstated. Councilman Branca thought it is intended to get several bids and option to go to the ARB. Councilwoman Leonard states Mr. Utz father says concrete and blue dust is a good combination. Eliminating the concrete base would allow the herringbone design.

Councilwoman Leonard states when they got out in the community the Avalon D windows go to the roof line and does not allow the dentil molding, colonial lintels do not fit. Councilwoman Leonard states brick front houses have siding over the garage door due to cost of support of the brick. ARB thought the paint or siding should match the brick color.

Councilwoman Leonard states overall the community is looking very nice. All houses missing dentil molding except the Avalon D should have to comply. The ARB recommends US Home use the same verbiage as Ryan Homes for the letter to the homeowner notifying of the embellishment requirement. ARB would like Council to draft their own letter. Council gave to ARB to draft.

HAYMARKET TOWN COUNCIL April 6, 1998

Councilwoman Leonard states ARB has not said in a motion Avalon D can no longer be built. Councilman Seffinga asked about coach lights in the community. Councilwoman Leonard replied they are in and look lovely. Councilwoman Leonard states they looked at all the homes on the tour. Bill Bush of US homes states Cypress B has dentil molding. Councilwoman Leonard states a Cypress B does not have dentil molding.

Councilwoman Leonard states the letter to Council from US Homes states they will add dentil mold to the homes recommended by their third party professional, not the ARB recommendations. Councilman Branca asked what elevations are constructed there. They are: Birchfield - 12 built elev B 4 (1 with brick) all without dentil molding, C, D & A, Brittany 2 C's & B both brick, all Avalons (8) do not have dentil molding, D (5), B & C (2), 1 Arizona D, states Mr. Bush. Fifteen homes are without dentil molding. Cypress B (2), Glenhaven all have dentil mold 3 D's leaves ten to have dentil molding. Councilman Branca asked how many out of the ten U.S. Home is recommending have dentil molding put on. Mr. Bush states out of the fifteen four are what their architect is recommending.

Councilwoman Leonard states the ARB's final word is all remaining ten have the dentil molding on them. Councilman Seffinga asked what is U.S. Home reason for fighting. The reply was (1) going on homeowner's property, (2) requires additional maintenance for the homeowner, (3) cost. Councilman Seffinga states as long as the homeowner has the option of requesting a waiver and agrees to maintenance it is reasonable.

Council directed the ARB draft a letter that Council wants mold on the ten homes and if the homeowner does not want they are to request a waiver. Councilwoman Leonard moved to require U.S. Home apply dentil molding in all models with the exception of the Avalon D and Council will send a letter to each property owner with violation indicating the ARB requests the addition of dentil molding. If (the homeowner) does not want it they shall request a waiver from the ARB, second by Councilman Seffinga. Councilwoman Leonard amends motion to "the ARB requests" to "the ARB requires" the feature, amendment second by Councilman Seffinga. Councilwoman Leonard amends the motion to include "at no cost", amendment second by Councilman Seffinga. Yeas: Shepard, Scarbrough, Leonard, Seffinga, Branca. Nays: none. Motion carried by 5/0 vote.

Councilman Seffinga left at 9:30 p.m.

Councilwoman Scarbrough moved to go into executive session to discuss personnel matters, pursuant to Virginia Code 2.1344A.1, second by Councilwoman Leonard. Yeas: Shepard, Scarbrough, Leonard, Branca. Nays: none. Motion carried by 4/0 vote.

Councilwoman Scarbrough moved to go out of executive session into regular session, certifying only personnel matters were discussed, second by Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Leonard, Branca. Nays: none. Motion carried by 4/0 vote.

Historical Commission

Mrs. Turner states the bicentennial banner needs approval. Councilwoman Leonard states she gave it to Councilman Seffinga. The banner is to read "Happy 200th Birthday Haymarket 1799-1999". The cost from WEISCO is \$420. Councilman Seffinga will also get estimates. Councilwoman Scarbrough moved to accept banner design, second by Councilman Branca. Yeas: Shepard, Scarbrough, Leonard, Branca. Nays: none. Motion carried by 4/0 vote.

HAYMARKET TOWN COUNCIL April 6, 1998

Mrs. Turner states she is working on designating the town historical boundary, nothing has happened on the request during this years legislative session.

The Historical Commission discussed having sleeve patches and uniforms for the historical commission members. They would be white blouses, green skirts and possibly a green hat. The commission members would wear this during the bicentennial. They will try to have ready for the Spring Festival.

Mrs. Turner states the Historical Commission will be selling plants at the Spring Festival. White Oak Nursery is to supply the plants.

Councilwoman Scarbrough moved to approve the expenditure of up to \$700 on the Bicentennial banner, Councilman Seffinga is to make the decision on materials, from funds set aside for the Bicentennial, second by Councilman Branca. Yeas: Shepard, Scarbrough, Leonard, Branca. Nays: none. Motion carried by 4/0 vote.

Building Inspector

ISO Report - The Board has agreed we can send in a new report for evaluation.

Greenhill Crossing - coming to a close with problems. Councilman Branca is to let them know on grading. Homeowner's asked to meet with Councilman Branca whether or not their grading is correct.

Greenhill Crossing Fence - Homeowner's are asking when it will be in place in Section 9.

Old Bank Cafe - Mr. Lowery states he went to the PC with revised site plan. Councilman Branca states in regard to the Old Bank Cafe, there was a 10' expansion to the rear of the building. The PC is disturbed no one flagged this, they did not have zoning approval for the 10' in the rear. Work being done for three weeks, without approval. In the future we need to stop them until zoning approval is granted. Plans look like the stair encroach into the 10' set back on Jefferson Street. Mr. Lowery says it was an architect error. Mr. Costello agreed if the PC did not approve the expansion he would have to tear it down. Mr. Lowery says the Mayor knew about it. Mr. Lowery says Old Bank sent in plans and they sat around and did not get looked at.

Councilman Branca states in the future if there are major alterations Mr. Lowery needs to give Councilman Branca a call. Mr. Lowery is correct they would have to tear it down if not approved. Mr. Lowery states Mr. Costello's attorney says they talked to Councilman Branca and Mayor Kapp about the moving of the footer. Councilman Branca and Mayor Kapp said Mr. Contrucci said there was a minor adjustment. Ten feet is not minor. Mr. Lowery states the architect has been told what he needs to do but he has not gotten direction from the owner.

Councilman Branca states the PC recommended approval for the expansion providing the staircase complies with Code.

Councilman Branca moved to approve the building footprint change to the Old Bank Cafe building (14951 Washington Street), second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Leonard, Branca. Nays: none. Motion carried by 4/0 vote.

Councilman Branca moved the staircase to the rear to the second story of Old Bank Cafe is

HAYMARKET TOWN COUNCIL April 6, 1998

disapproved and plans must be submitted to the town for review, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Leonard, Branca. Nays: none. Motion carried by 4/0 vote.

Mr. Lowery asks if the ARB has to see the facia change over the windows. Councilwoman Leonard states the ARB unanimously agreed to accept them (½ moon brick pattern) as they fit the plan better than the original plan.

Mr. Lowery states the applicant wants to paint the rest of Old Bank Cafe in the same color. Mr. Lowery asks the ARB's help and advise the owner of any color change. If the ARB will review the stair Mr. Lowery would like to advise the architect for preliminary plan by April 23 for the PC and ARB review.

Mr. Lowery asks what are requirements to fix storm drain that does not drain as they don't see it connected to anything. Councilman Branca states he doesn't see anything on the plan about it. Mr. Lowery would like to have the drain fixed. Mr. Lowery states they can pipe drain to Jefferson Street west to tie into the storm sewer. Councilman Branca states Council does not require a plan.

Old Business

Clean Up day - April 18, Saturday, 9:00 a.m. Mayor Kapp is chairing this event. He will be at the Town Hall at 8:30 a.m. and assign streets. There has been a notice in the newsletter and Peterson Companies has provided \$150 for lunch at PW's Eatery. Sheetz & Q Stop will talk to their managers to confirm help.

Bicentennial - Hats, no action. Councilwoman Leonard states someone wants us to do art work for Bicentennial and he will do tee shirts for us for \$5. And maybe we can sell at \$8. Mayor Kapp asked her to pin him down on price as he thinks Councilman Seffinga paid less than that. Councilwoman Leonard states her person said he will do for \$.25 less than any other bid. Councilwoman Leonard states he would do hat too for Lafayette Day, Haymarket Day, January and Spring.

Grant - Mayor Kapp went to the Commonwealth Transportation Board meeting this morning. BDE made up a placard for presentation (Mayor Kapp displayed it for the Council). The preliminary awards will be announced in May with *final approval in June*.

Spring Festival - Councilwoman Leonard says it is coming along. We have a number of good food vendors. Seventy plus craft vendors. VDOT approve closing the street as long as we leave Jefferson Street access. Mrs. Bailey asked what time the carriage rides will operate. Two to four p.m. Also the chicken basket, what is required. Councilwoman Leonard states a whole basket of all chicken.

The Town Clerk is to call Mr. Leaberry for permission to use his lot for additional parking.

Leaberry Property - Mayor Kapp states Bob called him today in regard to storage units on that property. They will make a formal submission later.

Councilwoman Leonard states the lovely landscaping in the conceptual plan (LeaMac presented) is dwindling away.

HAYMARKET TOWN COUNCIL April 6, 1998

Railroad - nothing new.

Street Scape - Revision will be available for the budget meeting. Town Clerk to fax to Attorney Steketee. Mrs. Turner is concerned about penalties. It is a criminal misdemeanor if you don't comply. Council advised Mrs. Turner this is for development issues.

Internet - Web site - Mayor Kapp talked to someone who works for the Army who creates web sites. He will get in touch with Tim Jaisonowski.

Budget - meeting April 13, 7:00 p.m. probably at Winterham.

Town Hall restoration - bid on new doors has not come in yet. Councilwoman Leonard states they have to be exactly the same. She states Blanch Swisher, town resident, works for Winchester Woodworking who makes custom doors.

Stain was selected for the wood floor and tile selected for the bathroom.

Town Clerk leave request - the Town Clerk requested to take leave April 8 and 9. Councilman Branca moved to allow the leave, second by Councilwoman Leonard. The Town Clerk states she may not be able to take off due to the newsletter deadline for mailing. Yeas: Shepard, Scarbrough, Leonard, Branca. Nays: none. Motion carried by 4/0 vote.

Rats - Council advised Town Clerk to attach the PWC Health Dept brochure to the newsletter.

Greenhill Crossing Fence - Ms. Stutz called Mayor Kapp stating Peterson Companies would like to cut the top off the stockade fence and put a flat board on top to look like a board on board fence. Councilwoman Scarbrough asked if they didn't agree previously to put up a board on board. Yes, was the reply.

Councilman Branca moved to send to the ARB, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Leonard, Branca. Nays: none. Motion carried by 4/0 vote.

Mayor Kapp will call Ms. Stutz to advise her.

Occupancy Inspection Commercial Property/Occupancy Permit - Mr. Lowery states the Council has not given him any direction. Tabled.

Business License Violation - Lane's - Fire Marshal to advise status of violations.

Gas Company Franchise - Atty Steketee will be prepared to address at the next meeting.

Painting of roof on Town Hall - Was approved, waiting for the painter. ARB to discuss. Town Clerk to advise Mr. Gossom to ask the painter to hold off until we hear from the ARB.

Hankes Claim, Storm Drain - VDOT letter came in that they are totally responsible for that drain.

Sheetz, awning and neon sign violation - ARB needs an official letter stating the violation for neon signs and non approved awning on the restaurant seating addition. Atty Steketee to draft letter of violation.

HAYMARKET TOWN COUNCIL April 6, 1998

Sheetz - Mayor Kapp states they are selling pornographic material not covered. Mayor Kapp states it is not permitted in town. Atty Steketee to pursue. Atty Steketee states under B-1 zoning (which related to I-1 zoning) not included adult book store or mini motion picture. Atty Steketee states conversation with Sheetz management to be a good citizen to comply with the ordinance or remove the offensive material. Councilman Branca says if they don't comply we should probably strengthen our ordinances.

Prince William/I-66 Partnership - Mayor Kapp would like Council to consider joining this group. Councilwoman Leonard asked if it is a non-partisan group. Yes, Mayor Kapp replied, there is no political affiliation. Tabled.

Temporary space use - Councilman Branca states we have taken up temporary space in Winterham and St. Paul's and Gossom's Hardware. He would like to pay folks for the use of their property. The church asks for a donation of \$35 for each use. **Councilman Branca moved to pay St. Paul's \$35 per meeting, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Leonard, Branca. Nays: none. Motion carried by 4/0 vote.**

Mayor Kapp to speak with Mr. Costello for Winterham use and Mr. Gossom for the office use.

Gas Company franchise - Tabled to April 13 continuance.

Citizen's Time

Terri Welch asked what they are doing with the Old Bank Cafe. Mayor Kapp states he spoke with Don Costello about what he intends. He did not know - maybe Mexican food. Mayor Kapp states no business license has been requested.

Mrs. Bailey asked Councilman Branca if you put a deck outside but do not attach it to the structure how close can you come to the property line. Councilman Branca will have to look at the code book. He said the Council is looking at allowing encroachment for decks in set back in the zoning code review. Councilman Branca states proposed language should be ready in thirty days.

Continuance

At 11:02 p.m. Councilman Branca moved to continue to April 13, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Leonard, Branca. Nays: none. Motion carried by 4/0 vote.