

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

MAYOR
John R. Kapp

ATTORNEY
Charles Jamison

COUNCIL
James Shepard, Vice Mayor
Dottie Leonard
Mary Lou Scarbrough
Mark Branca
Tom Utz
Doug Mohr

Mayor Kapp opened this regular meeting of the Town Council at 7:36 p.m. All members were present.

Minutes of Public Hearing Feb. 2, 1999, Special Meeting April 8, Town Council regular meeting April 5, 1999.

Vice Mayor Shepard moved to approve noting any corrections and dispense with the reading, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Leonard, Utz, Mohr. Nays: None. Motion carried by 5/0 vote.

Police Report

Sgt Roop reported for the month of April there were 99 arrests, 532 hours were worked and 87 tickets written.

General Orders - Sgt Roop states it is in attorney's hands. Atty Jamison states they don't formally need to be adopted. If anything needs to be done call it to his attention.

Treasurer Report

Not available at this time.

Business License

Vienna Auto Sales, 6707 Fayette St., #2 - Councilwoman Scarbrough moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Leonard, Utz, Mohr. Nays: None. Motion carried by 5/0 vote.

Sign Permit

Vienna Auto Sales, 6707 Fayette Street #2 - Attorney opinion states as long as only the letters change Council does not need to review the signs. He states State Code legislature strengthened vested rights, name only change we do not review.

Councilman Utz asks if folks can just change the sign without Council's knowledge or review. Atty Jamison states they don't need to come to Council. Councilwoman Leonard wants to check on the code at state level to be sure the vested rights is to protect use or aesthetics. Councilwoman Leonard wants to be sure our ordinances have a purpose. Atty Jamison states the State Code is much larger and expansive than what the town has. Councilman Mohr suggests they still go through ARB for review if there is no change other than the wording. Councilman Utz agrees. Atty Jamison will look into it.

(Councilman Branca arrived at 7:52 p.m.)

Certificate of Appropriateness

Charles Smith, 6771 Madison Street, fence. - Councilwoman Leonard gave Council the ARB's position on the fence. Mr. Smith wants two styles of fence on his property. Mr. Smith was approved for a picket fence for his property. He came back to the ARB for two different styles of fence. The Town Clerk read Mr. Foley's recommendation from the last ARB meeting. Mayor Kapp states someone on Madison Court got a different style fence approved than they already had. Councilwoman Leonard states the ARB was not made aware there was any existing fence on that property and that was an error on the ARB's part to approve a different fence.

Mayor Kapp states the design manual does not prohibit two fence styles, the ARB should get the design manual completed.

Ms. Smith, contractor for Mr. Smith, states Mr. Smith wants the fence to have a handrail attached inside for him to use as a guide. Councilman Mohr moved to approve picket style fence for rail in rear yard and approve the split rail fence in the front, second by Councilman Utz. Yeas: Shepard, Scarbrough, Branca, Utz, Mohr. Nays: None. Abstain: Leonard. Motion carried by 5/0 vote.

Building Permits

PWCSA, 6599 Brave Court, tank removal (underground diesel storage tank) - Councilman Branca moved to approve, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Leonard, Branca, Utz, Mohr. Nays: None. Motion carried by 6/0 vote.

Ryan Homes, Sect 1, Lot 2, 14790 Greenhill Crossing Dr., Ravenwood C with morning room - Councilwoman Scarbrough moved to approve, second by Councilman Utz. Yeas: Shepard, Scarbrough, Leonard, Branca, Utz, Mohr. Nays: None. Motion carried by 6/0 vote.

Ryan Homes, Section 2, Lot 23, 14904 Greenhill Crossing Dr., Chandler A - Councilman Utz moved to approve, second by Councilman Mohr. Yeas: Shepard, Scarbrough, Leonard, Branca, Utz, Mohr. Nays: None. Motion carried by 6/0 vote.

Ryan Homes, Sect 9, Lot 38, 6820 St. Paul Drive, Vandenburg C with sitting room - Councilwoman Scarbrough moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Leonard, Branca, Utz, Mohr. Nays: None. Motion carried by 6/0 vote.

Deck Builders, Vandagriff, 6904 Jockey Club Lane, deck - Councilman Branca moved to approve contingent new deck matches rail on the existing deck, second by Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Leonard, Branca, Utz, Mohr. Nays: None. Motion carried by 6/0 vote.

Citizen's Time

Old Business

Spring Festival - Councilman Branca states the flyer is beautiful. Mary Ruffo stated Councilman Mohr had a lot to do with it. Mrs. Ruffo states we have 52 paying crafters, 64 including non-profits. Mayor Kapp asked if she had people to work. Mayor Kapp states Mr. Mohr's neighbor will work, John on St. Paul Drive will help. Councilman Mohr asks if Council is going to do anything. Councilwoman Leonard states she checked with Haymarket Baptist Church and they won't do the pancake breakfast that day. Councilwoman Leonard would like to do pancakes at the town hall lot. Councilman Mohr thinks we should sell bottled water on ice, at \$1 a bottle.

He also suggests the town sell crepes with canned fruit.

Mayor Kapp states we need folks to: man booths, sell shirts, mark spaces (Mayor Kapp will get paint.) Mrs. Ruffo states on the back of the booklet the supporters of the festival are listed. We have received to date \$1400 in support of the festival and 84 Lumber will donate lumber to build a stage. She will contact a builder to put it together.

The message sign from VDOT she would like that functioning three days prior to the festival. She would like a banner across the road, free of charge, the week before. In regard to closing the road, Mayor Kapp wants to open the road back up at 3:00 p.m. Mrs. Ruffo says Royce and Jodi White are scheduled to demonstrate dance at that time and there will be many people here to participate. She has prepared a flyer to go out to everyone (residents and businesses in town) that they will be facilitated to get through to their homes, North Fayette Street being the only street totally blocked. Mayor Kapp states send the letter to re-open at 4:00 p.m. instead of 3:00 p.m.

Postcards (of the Rusnak painting) are to be in tomorrow. She suggests selling them for \$.35 each/3 for \$1. She paid \$445 for 5,000 cards.

Councilman Mohr states the Fauquier Democrat is going to do an article for the week of the festival. Mrs. Ruffo contacted WMAL radio, the price is very expensive. She got some free air time.

Councilwoman Leonard asked if the bird house maker is coming. No, Mrs. Ruffo replied, they got their notice too late.

Mrs. Ruffo states 2500 copies are being printed of the booklet that is being used for advertising for Spring Festival and Haymarket Day. We can remove the center pages and replace them for Haymarket Day.

Mrs. Ruffo suggests the next newsletter she would like to devote a whole page to Spring Festival thanksgiving.

Mr. Lowery states the work that is going on now here, Occoquan will lose many of their crafters within five years with the construction so we will be ready to receive them.

Mayor Kapp wants a volunteer schedule. Mayor Kapp VDOT will have to approve a banner and then call GTE to put it up.

Councilwoman Leonard asked Mrs. Ruffo if she wants any more office hours. Mrs. Ruffo states she is working from 1-7 p.m. Monday, 9 a.m.-2:30 p.m. Tues through Friday. With her children's school schedule she can not work any additional hours.

Planning Commission

Councilwoman Scarbrough reports changed to industrial zoning district use regulations were made. Town Clerk to send out to PC members and Town Council members for the continuation meeting.

Town Council Continuation

May 24, 7:00 p.m., to discuss budget, employee handbook, ordinances

ARB

Councilwoman Leonard reports in regard to US Home violation, forget it. Sheetz violations to be considered in executive session. She states we need a member and liaison from the Planning Commission. Councilwoman Leonard will have candidates come into interview May 24.

Historical Commission

Mrs. Turner states the caboose tilts and she doesn't know what vibration would do there. She asked Mr. Lowery to look at it.

Building Official

Liability Insurance Mr. Lowery states the town is liable under the state code.

Shrink/Swell Policy - in the works.

D&J Excavating - it is up to Council for business license. Mr. Lowery states it is equipment rental. He is running a mulch service. Brings by tractor trailer dumps on Durham property reloads on special mulch truck and sprays it from the truck. Councilman Mohr asks about the trash around the building. Mr. Costello is cleaning it up gradually, replied Mr. Lowery.

Rex Phares, 15221 Washington St. - Mr. Lowery states he is drafting a letter for Mayor Kapp's review by Friday. The road Mr. Phares had built is in violation of erosion and sediment control, construction debris needs removal, construction trash has been dumped on this property. DEQ and state Water Control Board asking if we need their help with water shed on the North Fork. Our Police Dept enforces this code, Sgt Roop will review with the town attorney.

Deck plans - Mr. Lowery asked the ARB to review pre-engineered deck plans to bless it for their requirements. Councilwoman Leonard asks Mr. Lowery to submit for the next meeting.

Fuel Tanks - Mr. Lowery says we are removing several fuel tanks in town. Mr. Gossom gave Mr. Lowery information and he has passed it on to Exxon. They were Esso tanks. Dr. Weaver has one beside his building, one on corner of Paxton property, one on Fayette St., Costello & Mr. Lowery will look at tanks on his site.

Sewer lines - Mr. Lowery and Mr. Costello discussed how to help 84 Lumber to tie into Costello sewer line. 84 Lumber sewer line keeps breaking down. 84 Lumber owns the property where the *septic tank is*. Mr. Lowery asked to call Jimco to hook up on sewer.

Councilman Branca states we were told by Council that is a health dept issue. Mr. Lowery wants to know when Council wants the Health Dept to come in and review responsibilities. June 7 is the date.

Mr. Lowery will have agreement for PWCSA to do cross connections. PWCSA pays salary for 3 or 4 people to do inspections under Eric Mays. Estimated cost will pay town \$8500 a year for 3 years to hire someone to do the inspections. We are legally bound to do these inspections on everything that is not residential unless they put in service. He suggests the town hire his person qualified to do these inspections. Q Stop has been hit that they must now hook up to water and sewer. They never paid PWC to connect to sewer or water.

Sheetz - banner signs have been removed by giving them a copy of the ordinance. Before this becomes a legal battle he would like to request Sheetz to submit a plan for a canopy and neon

signs. Councilman Mohr says he was in a course recently and Sheetz was noted as being notorious for having violations in many places but when pushed they will comply.

Vice Mayor Shepard left the meeting at 9:35 p.m.

Old Business

PC members - not less than 5 not more than 15, ARB 7 not less than 5. Formerly, Atty Steketee stated odd number notes additional members.

Mr. Lowery states GTE and Mr. Darley - GTE wants to know how much longer they have to wait. Can Council approve paving their parking lot? Mayor Kapp states set back for residential vs. Commercial property there is a buffer strip between them.

Budget

Discussion continued to May 24 meeting, public hearing scheduled for June 7 at 7:00 p.m.

ISTEA

Mayor Kapp is now getting easements John Leddy, VDOT has been remiss from getting the easements. Mayor Kapp got a hand full of easements from Contrucci. They haven't gotten back to Mayor Kapp about advise of estimate. Councilman Branca brought in Va. Power price \$40,000 easements. Virginia Power says the 29% increase goes directly to the federal government. Mayor Kapp asked if the town can refute it. Cindy at Va. Power will be contacted by Atty Jamison about easement for pole back of Red House.

Town Clerk asked about addendums to Lynda Farr. Atty Jamison says to have her contact him direct. Councilman Branca says he thinks Va. Power was going directly through the trees. Atty Jamison feels we can accommodate her. Va. Power has right of way to trim her trees whenever they want.

Councilman Branca doesn't think the pole we are moving at Jefferson St. is not in the right of way. If it isn't Gossom & Costello can make Va. Power move it with no charge to the town.

Town Clerk suggests Council send a letter to all enhancement purchasers to update them. Mayor Kapp asked Town Clerk to draft a letter.

Municipal Code

Ordinance requires a construction bond on the builder. Mr. Lowery says we need to hold a builder/construction bond. Mr. Lowery can have someone come in and tell Council about bond requirements. Mayor Kapp asked him to come June 7 at 7:00 p.m. for after the public hearing on the budget.

Internet - Councilman Mohr and Mayor Kapp will get with Al walker for the web site. He has his own server.

Van Horn Memorial Park

Tabled to May 24

Madison Street Improvement

Atty Jamison asked to approve not to exceed \$200 for plat for easements. Councilman Branca moved to approve, second by Councilwoman Scarbrough. Yeas: Scarbrough, Leonard, Branca, Utz, Mohr. Nays: None. Motion carried by 5/0 vote.

Saddlery Liquidators

They have 18,000 sq ft retail, 3,000 sq. Ft maximum per town code. Mayor Kapp, Mr. Lowery and they met will have 3,000 sq ft retail and the remainder will be warehouse.

Gossom Property proposal

Bond Resolution - Maguire, Woods, Battle & Booth \$2,000 plus \$250 additional expense. Atty Jamison states that is a superb price and congratulates the Mayor for getting this. Councilwoman Leonard moved to approve engagement letter with Maguire, Woods, Battle & Booth, second by Councilwoman Scarbrough. Councilman Branca states in discussion we need to make a motion to extend the contract. Tabled.

Zoning Text Amendment

Height Regulations, from 35' to 45' - Councilwoman Scarbrough moved to approve, second by Councilman Branca. Yeas: Scarbrough, Leonard, Branca, Utz, Mohr. Nays: None. Motion carried by 5/0 vote.

Zoning Text Amendment

Residential Use in commercial district - need to include three story buildings, two floors residential use.

Haymarket Self Storage

Councilman Branca states letter from PWCSA is fine.

Correspondence

Transportation issues letter from Senator Colgan.

Town Sector meeting - five locations and response due by 5/4, price \$11. Councilman Mohr would like to go.

Executive Session

Councilwoman Scarbrough moved to go into executive session Va. Code 2.1-344 A.7 to discuss legal matters, 2.1-344A.3 and real property acquisition, second by Councilwoman Leonard. Yeas: Scarbrough, Leonard, Branca, Utz, Mohr. Nays: None. Motion carried by 5/0 vote.

Councilwoman Scarbrough moved to go out of executive session Va. Code 2.1-344 A.7 certifying only legal matters, 2.1-344A.3 and real property acquisition were discussed, second by Councilwoman Leonard.

Gossom Property purchase

Councilman Branca moved to terminate contract with Mr. Gossom, second by Councilman Utz. Yea: Branca, Utz. Nays: Scarbrough, Leonard, Mohr. Motion failed.

Councilwoman Scarbrough moved to extend the contract with Mr. Gossom for sixty days to July 11, 1999, second by Councilman Mohr. Yeas: Scarbrough, Leonard, Mohr. Nays: Utz, Branca. Motion carried by 3/2 vote.

Councilman Mohr moved to approve Mayor Kapp engage Maguire, Woods, Battle & Booth as bond counsel, second by Councilwoman Scarbrough. Yeas: Scarbrough, Leonard, Mohr, Branca. Nays: Utz. Motion carried by 4/1 vote.

Councilman Branca moved to pass the resolution prepared by Maguire, Woods, Battle & Booth, second by Councilman Mohr. Yeas: Scarbrough, Leonard, Branca, Utz, Mohr. Nays: None. Motion carried by 5/0 vote.

Planning Commission

Mayor Kapp states Mike Felt is still interested in being appointed to the PC and we need another person. Councilman Mohr states the lady that moved behind the Mayor is the Planning Chairman for Fairfax County.

Councilman Branca moved to appoint Mike Felt, second by Councilwoman Scarbrough. Yeas: Scarbrough, Branca, Utz. Nays: None. Abstain: Leonard, Mohr. Motion carried by 3/0 vote.

Zoning Text Review

Industrial District use regulations - public hearing scheduled for June 7.

TOWN COUNCIL CONTINUATION, MAY 24, 1999, 7:00 P.M.

MAYOR:
John R. Kapp

COUNCIL:
James Shepard
Mary Lou Scarbrough
Dottie Leonard
Mark Branca (absent)
Tom Utz
Doug Mohr

ATTORNEY
none

This continuation of the regular session of May 3, 1999 was opened at 7:07 p.m. by Mayor Kapp.

Business License

Hay Mart Motors - 6707 Fayette Street #1 - Councilwoman Scarbrough moved to approve, second by Councilman Mohr. Yeas: Shepard, Scarbrough, Leonard, Utz, Mohr. Nays: None. Motion carried by 5/0 vote.

JKLM, II - sewer line - request by Mr. Jacobson & Mr. Leaberry to change from private to public sewer to be maintained by PWCSA to take care of Frogale, Lambradozzi, Phares properties. The pipe location does change, PWCSA has to move for public sewer. PWCSA has reviewed the plan with no change. No copy of approved revision is available. PWCSA wants the bond and additional inspection fees. BDE has not review yet. Mr. Jacobson requests Council approve the modifications to sanitary sewer pending PWCSA and BDE approval. The Town Clerk states she spoke with Councilman Branca and he states if the revision affects the Haymarket Self Storage site plan it must be submitted as a revised site plan with a \$250 site plan review and \$75 for the deed of easement. He suggests they file the deed with the revised site plan. If it is not affecting their site plan file separately, not as a revision.

Councilwoman Leonard moved to approve the service from private system to public system contingent upon the PWCSA approval and maintained, second by Councilwoman Scarbrough. Yeas: Scarbrough, Leonard, Branca, Utz, Mohr. Nays: None. Motion carried by 5/0 vote. Approvals to be returned to the town for signature.

Certificate of Occupancy

Councilman Mohr asks Council to consider giving authority to our Building Official to do occupancy inspections. Councilman Mohr states the state code (BOCA) requires our Building Official to inspection occupancy.

Councilwoman Leonard states that this body can withdraw him from inspections unless we send him. Councilman Mohr states Mr. Lowery can have the state BOCA folks to address the Council in this regard to removing our Building Official's power and authority.

Councilman Mohr states by our current ordinance Mr. Merkli has class 1 and class 2 codes and is operating a business without a license which is a \$1000 fine and jail time. The State of Virginia and other town says the business license is regulating the use of the property. The first statement of the code states the landscape must comply with the towns landscape plan. Filings over 10' high is not a permitted use, class 2 misdemeanor. Mr. Merkli can not do what he is doing, states Councilman Mohr. Additionally, there is another business there creating asphalt on that site, transferring fuel. If there is a different business you must have a break by site plan for a separate business. Councilman Mohr states our town code has all the ordinances in place to get him out. The town attorney said that you can not take a use away from a property. Councilman Mohr

states it is untrue, state code says if you have not had a valid business use within two years you lose the grand-fathered use. Councilman Leonard states she will not be a party to this. She states Lane's has grand-fathered use of that property, it conveys with the property. Further Councilwoman Leonard states she has that property listed and is trying to get this property cleaned up to sell. Councilman Mohr states we can't tell Signature Kitchens they can't have a business with no bathroom and we have Jean Lane with a facility with no electricity. Mr. Merkli has no bathroom.

Mayor Kapp states Jean Lane has been there more years than we have had a town ordinance. Councilman Mohr asks if Mr. Lowery's issue of certificate of occupancy can be addressed so we can take care of Mr. Merkli and Mr. Lowery can move.

Treasurers Report

First Virginia Bank, general fund checking account beginning balance \$84,667.48, expenses \$34,749.92, deposits \$38,680.74 with an ending balance for April 30, 1999 \$88,598.30. Certificates of Deposit \$229,097.96. Grand Total general fund \$317,696.26.

ISTEA

Councilwoman Leonard asks about ISTEA estimate. Mayor Kapp states they have submitted a revision that is \$882,000 instead of \$885,000.

Trish Davis, Historic Manassas Inc. may have grant information. Councilman Mohr will contact her.

Mayor Kapp states he is going to interview the new attorney at Smith & Davenport. Sgt Roop met him in court and he liked his style. Mayor Kapp would like to invite him to our next meeting.

Councilwoman Leonard states when we were at the beginning stages everyone complained about Alan Gossom's signs so we developed the historic overlay and the sign ordinance. We actually helped our town attorney take our power away.

Budget

Public hearing June 7, 7:00 p.m.

Boundary Line Adjustment

Mayor Kapp received a letter from PWC Attorney to expand 2.4377 acres following the Route 15 line south from Sheetz, 15315 Washington St., 6600 James Madison Hwy, 6608 James Madison Hwy. The Town Council and Board of Supervisors must advertize once a week for two weeks running. The attorney suggested running the ads together and save money. This will be filed as a joint petition for Court to obtain Section 5 pre-clearance. This public hearing will have to be July 12 at 7:00 p.m.

Free Furniture

Stan Mays of NADA has furniture for us for the Gossom property. Alan will store it in the garage behind the hardware store. Councilman Mohr will get a hold of Ed Wheeler and Mark Hagan. Councilman Utz will help also. Stan wants them to look and mark what they want on Wed., May 26 at 2:30. There is desks, petitions, computer tables, conference tables, file cabinets, small desk for community center facility, etc.

Van Horn Playground

Council reviewed playground equipment from catalogs. Councilman Mohr donated a volleyball set (\$600 value). Vice Mayor Shepard states he did not make a proposal for a ground cover. Councilman Mohr says he knows of a company that provides playground with fund raising included.

Executive Session

Councilwoman Scarbrough moved to go into executive session to discuss personnel matters, Va. Code 2.1 433 A.1, second Councilman Mohr. Yeas: Shepard, Scarbrough, Leonard, Utz, Mohr. Nays: None. Motion carried by 5/0 vote.

Councilwoman Scarbrough moved to go out of executive session certifying Council only discussed personnel matters, Va. Code 2.1 433 A.1, second Councilman Mohr. Yeas: Shepard, Scarbrough, Leonard, Utz, Mohr. Nays: None. Motion carried by 5/0 vote.

Richmond Conference

Councilman Mohr requested to attend a conference in Richmond on small towns June 16, 17, 18 \$95 registration. Councilman Utz moved to approve and we pay for it, second by Councilwoman Leonard. Councilman Utz amended his motion to include travel expense and two meals daily, second by Councilwoman Leonard. Yeas: Shepard, Scarbrough, Leonard, Utz, Mohr. Nays: None. Motion carried by 5/0 vote.

Industrial District Use Regulations - tabled.

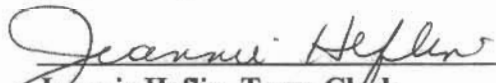
Gossom Property

The Town Clerk asked if Council will hold another public hearing. Mayor Kapp states no. Councilwoman Leonard asks if we can do another questionnaire. Councilwoman Scarbrough wants to get input from citizens. Town Clerk suggested we make up a packet with the appraisal report info., the financing information and use the hardware store facade as the cover.

Adjourn

Councilwoman Scarbrough moved to adjourn at 11:15 p.m., second Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Leonard, Utz, Mohr. Nays: None. Motion carried by 5/0 vote.

Respectfully Submitted:


Jeannie Heflin, Town Clerk

Approved:


John R. Kapp, Mayor