

Town Council Public Hearing July 12, 1999

**TOWN OF HAYMARKET, VIRGINIA
Chartered 1799
County of Prince William**

MAYOR
John R. Kapp

ATTORNEY
John Arledge

COUNCIL
James Shepard, Vice Mayor
Dottie Leonard
Mary Lou Scarbrough
Tom Utz
Doug Mohr
Fred Price

Mayor Kapp opened the public hearing at 7:00 p.m.

Town Boundary Line adjustment/annexation

Mayor Kapp states Mr. Frogale, Annandale Millwork, requested the town to extend the town boundary to Route 15 on the southwest corner (James Madison Highway and Washington Street) so that all his property will be in one jurisdiction. Mayor Kapp and Mr. Frogale contacted the County who stated putting that property would be beneficial to everyone. This annexation would add approximately three acres.

For:

First Call - Nancy Bailey spoke in favor.
Second Call - no one spoke.
Third Call - no one spoke.

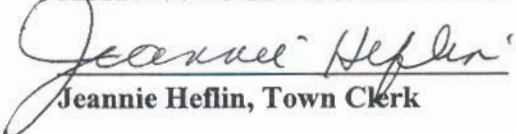
Against:

First Call - no one spoke.
Second Call - no one spoke.
Third Call - no one spoke.

Public Hearing Closed.

Mayor Kapp states this is a historic moment. This is the first time in the history of Haymarket there has been a boundary line change.

RESPECTFULLY SUBMITTED:


Jeannie Heflin, Town Clerk

APPROVED:


John R. Kapp, Mayor

tcph799

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Charles Jamison

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Mayor Kapp opened the regular meeting of the town council at 7:29 p.m. with the pledge to the flag. Reverend Ron Pledger, First Baptist Church of Gainesville, led the council in prayer.

Presentation - Glories Hats

Susan Kosand, co-founder of Happy Hats, which are given to critically ill children in hospitals with the message to think happy thoughts, states her organization is a youth development program which goes into schools and teen centers to create these "happy hats" which is a ten step process. During this process the teens sign a contract to leave their negative feelings at the door and learn how to face the responsibility of learning skills, team building and compassion, hope, tolerance and good will.

The Happy Hat project has been granted funds from corporations to renovate a building with historic value. Ms. Kosand states she likes Haymarket and would like to find a site in town that would store the materials for the kits to make hats.

Councilwoman Leonard asked what agencies they have an association with now. Ms. Kosand states legally with a signed contract they have none, however, they have just received the "Community Hero Award" from AmeriCorp and the District of Columbia Public School system for the service learning project working with the homeless shelter people where we created knowledge and exchanged information. They have also been presented with the 4-H "service learning project of the year." They have worked with the Girl Scouts with the Gold and Silver Awards. Metro Teen Aids, an HIV awareness program, also had a workshop.

The children would not be making hats here. We have a prototype ready that has been tested and we are ready to accept requests for our workshop but need a place to prepare our kits and store our material.

Minutes of previous meeting

Councilman Shepard moved to approve with corrections noted and dispense with the reading, second by Councilwoman Scarbrough. Corrections are noted. Yeas: Shepard, Scarbrough, Leonard, Mohr, Price, Utz. Nays: none. Motion carried by 6/0 vote.

Police Report

(see attached)

Town Attorney

Mayor Kapp introduced John Arledge, formerly an attorney in Front Royal. Mr. Arledge has joined the firm of Smith & Davenport.

Treasurers Report

\$111,398.32 beginning balance general fund, expenses of \$40,309.24, balance \$92,598.43.

Business License

Lane's Motor Sales & Service, auto sales, service, parts, painting & storage - Councilwoman Leonard states all these uses are grand-fathered. Mayor Kapp states the question is whether she has actively sold vehicles and repaired vehicles in the last two years. Mayor Kapp states he specifically asked the Town Clerk if there was any sales in the last two years and she said there were gross receipts. Councilman Mohr states the Town Clerk stated there were no gross receipts for sales and service. Councilwoman Leonard states traditionally that if you had a auto sales auto service was included as the norm was both sales and service was performed at the auto dealer. Ms. Lane stated that it has only been recently that she has separated the vehicle parts, service and sales receipts since she has been threatened the loss of uses of her business. Mayor Kapp asked Atty. Arledge if a person has auto sales & service does that include auto painting and service. Mayor Kapp states that auto repair is permitted under roof in the B-1 district. Atty. Arledge states she can have a business license if the repair is conducted under roof. Legal issue is a pre-existing non-conforming use can continue as long as it is not discontinued for more than a two year period. It is the determination of the Town Council if the use is allowed in the zoning district. Councilman Utz states since there is a discrepancy of what is actually going on can the Council have a representative go to the area and look at the body shop, look at the facilities that would allow and facilitate the repair and the body work. Councilwoman Leonard states the reason that is not a possibility right now is that she needs to have her license approved now as she is in the process of selling it at that use. She has someone now who would fix it up and clean it up. If you went there right now she has a painting booth that needs repair and is not being used now. She wants to repair that and bring it up to EPA standards but she doesn't want to use the use. Mayor Kapp asked if she has an area under roof where she can repair vehicles. Councilwoman Leonard states she does. Councilman Mohr asked if she has repaired or painted a vehicle in the last two years. Councilwoman Leonard states she knows she has repaired a vehicle there in the last two years and sold parts but does not know for certain she has painted. She states she has leased space to someone who has been painting in there.

Mayor Kapp asked Atty. Arledge if she has not painted a car in over two years, is that one use prohibited? Atty. Arledge states he feels repair is substantially different than painting. The use definition, in the zoning ordinance, determines what is permissible. Tabled.

Jean's Used Things - Councilman Mohr states he doesn't see where the ordinance permits used, yard sale items. Is that included in retail sales. Mayor Kapp states yes. Councilman Mohr asks if the Town Council can require people meet the BOCA (building maintenance code) so that the businesses will comply with property maintenance requirements. This is a business that abuses all property standards, why should we give them a business license. Councilman Mohr goes on record now to challenge the town to bring a fire inspector in here to inspect that business. Our building inspector has gone on record that the property does not meet fire regulations. Mayor Kapp asked Mr. Lowery if Ms. Lane put in electric service. He states she put in a 400 service. She does meet the requirements for retail sales establishments. Mr. Lowery does not agree with the Fire Marshal's inspections. Mr. Lowery states the town needs to hire a fire official to do the work.

Mrs. Stutz wants to know why she pays for fire inspections every year. Mr. Lowery states she needs to check with Chief Bird. Ed Wheeler states he has been here a little over two years and he has seen the Greenhill Crossing battle with the dentil molding but he doesn't understand why we

have a business in town with the ongoing nuisance with a junk business. He understands they were to put in new garage doors a long time ago. Why is the town considering giving them another business license when they won't conform to what they have been told to do and at the same time the town, at Greenhill, had the plans pulled and they had to resubmit proper plans to build another house. Yet this junk is allowed to continue, what is the point of the historic overlay if the council allows this junk. According to Jim Lowery she did not have electricity in that building until a couple of months ago. She has obviously not been performing any auto repair in that facility.

Councilwoman Leonard responds that the businesses that were here prior to the zoning ordinance and the historic overlay are permitted to continue. It is the new building and businesses that have to comply to the new guidelines and everything has to come up to our new standards. Anyone that was here prior to the ordinances do not come under the new standards.

Vice Mayor Shepard asks that we don't call her business "yard sales". Mayor Kapp states she filled out her business license as "Jean's Used Things" in the yard sale business. Councilman Mohr states the State of Va. BOCA code adopted by the State over one year ago states that properties must come into compliance within one year whether they were existing 40 years ago or today. Compliance means they must paint, maintain, have proper electricity, proper fire inspection. We can not approve a business license for someone who does not comply with this law even if our town has not adopted them because the state of Virginia is an eminent domain state so that when they adopt ordinances across the board we are forced to comply. She doesn't have the option to say she has been here 40 years so she can keep her trashy building. The other issue pointed out by Councilwoman Leonard that there was electricity being taken from another building using over 100' on an extension cord which loses its ability to handle any heavy duty equipment.

Councilwoman Leonard states she (Mrs. Lane) has applied to paint the building. Mayor Kapp asked if according to BOCA code can she operate a retail merchant business. Mr. Lowery states she can continue to operate as a retail establishment until the town gives him the authority to make an inspection on her property and tell her what items must be repaired. Mr. Lowery states he can not run her out. Councilman Mohr asked if she complies with code. Mr. Lowery states she does not have proper aisles. If Ms. Lane had a business license subject to inspection by Mr. Lowery she would probably comply.

Councilman Utz moved to approve the business license for Jean's Used Things only, second by Councilman Price. Yeas: Utz, Price, Scarbrough, Leonard. Nays: Shepard, Mohr. Motion carried by 4/2 vote.

Sign permits

None

Construction Permits

Ryan Homes, Sect 2, Lot 19, Vandenburg - Councilwoman Leonard moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Leonard, Scarbrough, Utz, Mohr, Price. Nays: none Motion carried by 6/0 vote.

Ryan Homes, 6856 Jockey Club Lane, Sect 9, Lot 32, Tuscany Elevation C - Tabled by the Planning Commission due to front yard setback. Councilwoman Leonard states this application must be changed due to Elevation A not being an approved elevation by the ARB.

Councilwoman Leonard moved to approve Tuscany C elevation with dentil molding, carriage lights with additional carriage light on the left side of the door, colonial lintels. Also providing set backs meet requirements, set back is 27'. Yeas: Shepard, Leonard, Scarbrough, Utz, Mohr, Price. Nays: none. Motion carried by 6/0 vote.

Ryan Homes, 6852 Jockey Club Lane, Sect 9, Lot 33, Tuscany B - approved by ARB, tabled by Planning Commission for front yard setback. Mayor Kapp states this is the same situation as the last one. Councilman Utz moved to approve, second by Mohr. Yeas: Shepard, Leonard, Scarbrough, Utz, Mohr, Price. Nays: none. Motion carried by 6/0 vote.

GTE, 6736 Madison Street, paved parking lot (inside the fence) - Mayor Kapp states this was held up due to the zoning on adjoining property. Now that this has been rectified we can approve this and get the landscaping, etc. done. Councilman Utz asks if everything has been addressed, permits for paving, inspections of lots, run-off addressed. Mayor Kapp states the plans here show a ditch around the site. Councilman Utz moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Leonard, Scarbrough, Utz, Mohr, Price. Nays: none. Motion carried by 6/0 vote.

McCarty Equipment, 14950 Washington Street, replace door - ARB approved but not signed. Mr. Lowery states he spoke to Mr. McCarty who stated he wants to redo the porch. He told him that he could do it on the deck standards. It will be two steps up. Councilwoman Leonard states he will have to come to the ARB. Councilman Mohr moved to approve to replace the window and cover the current door with siding contingent on the ARB signing off on the permit, second by Councilman Utz. Yeas: Shepard, Leonard, Scarbrough, Utz, Mohr, Price. Nays: none. Motion carried by 6/0 vote.

Haymarket Self Storage, 6600 James Madison Hwy, gate & fence - black vinyl chain link fencing and sliding gate and install permanent fence as shown on site plan. ARB referred to Council per recommendation that this could be a one time allowable since not visible from the street with trees the maximum allowed by PWCSA. Councilwoman Leonard states that fence does not comply with the historic overlay guidelines, however, he assures us that fence is not visible from any street and he needs the fence for safety reasons. She asked counsel if we can allow this for one time only for safety reasons. Atty Arledge asks if it is against the ordinance. She states yes. Mayor Kapp states the design manual does not prohibit chain link fence. Councilwoman Leonard states somewhere in the ARB guidelines it is prohibited. Councilman Price states he wrote the ARB guidelines and they were not adopted as an ordinance. He states this type of fence in the industrial area will be appropriate. Mayor Kapp suggests the ARB get their changes done. Mr. Lowery asks if this includes the fence on the roadway entrance. He says their intention is to replace Mr. Lambradozzi's fence along the property line. He thinks the town would prefer the black vinyl chain link fence to the mess that is there now. Mayor Kapp states that would be a repair. Councilman Mohr states they do not have to apply to the town to do a repair. Councilman Mohr moved to approve the fence including the ability to replace/repair Lambradozzi's fence with the black vinyl chain link fence, second by Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Utz, Mohr, Price. Nays: Leonard. Motion carried by 5/1 vote.

6871 Jockey Club Lane, sundeck - approved by PC. Councilwoman Scarbrough moved to approve, second by Shepard. Yeas: Shepard, Leonard, Scarbrough, Utz, Mohr, Price. Nays: none. Motion carried by 6/0 vote.

6832 St. Paul Drive, sundeck - approved by PC. Vice Mayor Shepard moved to approve, second

by Councilman Mohr. Yeas: Shepard, Leonard, Scarbrough, Utz, Mohr, Price. Nays: none. Motion carried by 6/0 vote.

Citizen's Time

Mrs. Bailey asked for ISTEPA matching funds update. She asks if it is still being put out to bid in October. Getting the easements is holding us up right now. Mayor Kapp states. The good news is we've got \$200,000 to come from VDOT yet, we have \$46,000 from historic foundation, curbs are being paid for by the Gainesville Supervisor fund, the improvements in front of the Hairmarket are being paid for by the property owner (a proffer at re-zoning). We had a bill of \$40,000 from Virginia Power to move poles but we found that our 1989 franchise agreement Va. Power has to pay for moving the poles free of charge. Mayor Kapp states John Leddy, VDOT, is finishing up the right of way detail and when the last couple of easements are done we can send it to VDOT in Richmond, for approval, then we can go out to bid.

Mrs. Stutz states several people have come into the Red Rooster asking about the street improvements and she wonders if the town has sent any communication to the purchasers of the street enhancements. Mary Ruffo states letters went out three weeks ago.

Planning Commission

Nothing

Architectural Review Board

They have scheduled an extra meeting to finish the design manual amendment.

Mayor Kapp asked about the weak link, did we get back with Ryan Homes? Councilwoman Leonard states they (Ryan Homes) did not come back but the work was stopped. Hopefully we can determine who requested it and make sure we can do away with it. Mr. Lowery states the weak link connection is code compliant. Mrs. Stutz would like a letter to Peterson stating the town does not require it. The weak link is coming off the agenda.

Mr. Lowery asked what the ARB is doing about Sheetz? Councilwoman Leonard states the attorney was working on that. Atty Jamison states he suggested in executive session that we may need Sheetz as a witness in the Merkli affair. Atty Jamison merely sent them a letter. Mayor Kapp asked the attorney to follow up with another letter. The matter was about neon signs which were not approved. When they put up the addition they also put up an awning that did not come before the ARB.

Mr. Lowery asked if he could pull the set of approved plans and if the plans were signed with the awning color included, it may have slipped through the cracks, and was approved. The neon signs is another issue. Councilwoman Leonard states the neon signs have never been allowed in town.

Councilman Mohr states could we amend the ordinance to permit neon signs in the industrial district since that is not in the historic district. Mayor Kapp states the entire town is in the historic district, but we could permit neon signs in the industrial district.

Councilman Price has a problem with changing the ordinance for a specific purpose/owner or entity. He thinks if they are currently in violation they need to come into compliance with the current ordinance. If we wish to change the ordinance for different districts we should do that separately.

Councilman Mohr states he thinks we should look at the industrial district. It seems there are a lot of issues with the industrial area. Mayor Kapp disagrees with changing the guidelines for the industrial district as he would like to see the whole town comply with aesthetics.

Mr. Lowery states Sheetz can have the neon signs unplugged if it is the light that is bothersome. Councilman Utz states since there is all glass on the front of that building is it a violation to have neon on the interior or is neon prohibited anywhere? Mayor Kapp states the ordinance says no neon signs and if it is visible from the street it is not permitted. Councilman Mohr states the menu signs are backlit inside and they would not comply. Mr. Lowery states the other jurisdictions ordinance states any sign on the exterior of the structure, does not include interior signs. Councilman Price states he thinks the intent of prohibiting neon signs was they are a distraction to the motorists, i.e., flashing lights, bright lights.

Mr. Lowery states Sheetz says they will have a temporary sign and plug them in for fourteen days and turn them off on the 15th day and plug them back in for fourteen days. Mayor Kapp states the ordinance states no neon signs period.

Councilwoman Scarbrough read the ordinance regarding signs prohibited. Atty Arledge will draft a letter to Sheetz discussing the matter and look into the intended audience.

*The Planning Commission is to look at Hastings Electronics sign. PC & ARB to look at.

Historic Commission

Councilman Mohr reports the Commission would like to have the caboose painted before Haymarket Day with volunteer work. Also will look at securing.

The Commission will contact property owners for permission to use metal detector looking for artifacts and to maintain items found. Also look at purchase of Winterham and look at fund raising.

The Smithsonian is holding a workshop on running a museum. What help is there in the budget? Mayor Kapp states the General Assembly appropriated \$30,000 for museum matching grant for FY 2000.

Building Inspector

Cross Connection inspections - Mr. Lowery submitted a draft copy, to the Town & Prince William County Service Authority, of the cross connection agreement for inspections to review to see if it is set up right. This is for the service authority for water inspections, we will bill the service authority for inspections done. This is a state mandate law. Once approved there are forms and letter to owners that their back flow preventions systems have to be tested within thirty days of receipt of the letter. This is to be sure well water has been disconnected. Also because the pressure coming off the system of public versus well is a great deal different, in most cases the ballcock has to be replaced in the water closet.

*Builders Bond - the second package which was requested some months ago regards how some jurisdictions write bonds for construction sights and landscaping. This can go to the Planning Commission for review.

Certificate of Insurance - In the minutes last months there was an issue of certificate of insurance. Mr. Lowery's attorney Paul Miller in Fairfax says he is willing to work with the town to do what

is needed. Mr. Lowery also spoke with the director of the Dept of Housing and Community Development in Richmond. The concern is the USBC mandates each jurisdiction have a building official. If you don't have a building official you must contract with another jurisdiction to perform your inspections. As far as the state and Mr. Lowery's attorney is concerned Mr. Lowery is a part time employee of this town. The Building Code protects him liability wise. Mr. Lowery states he has no employees and the people who work for him are under contract to him. They contract whenever they are needed and are paid the same as the town pays him for services. In most cases for the last year he has been the only provider of services unless he has been on vacation. So the requirement to have workers compensation is invalid. If the town classifies him as a part time employee there are no benefits needed, the money doesn't change. Mr. Lowery's attorney does not understand the need of the town for the insurance policy. Mr. Lowery states VML can not explain it to him what the liability insurance is for. Mr. Lowery states for a \$2.5 million professional liability policy, which the Town Clerk indicated he needs, costs \$4,000 annually. He is protected by the State, his attorney states he is covered.

Mayor Kapp states the town hired him as an independent contractor. Mr. Lowery states his employment contract is not designated as an independent contractor. Mayor Kapp asked Atty Arledge for an opinion.

D&J Excavating - Mr. Lowery states this should be taken off the agenda as he has no more difficulties with them.

Signature Kitchens - this may be taken off the agenda as their issues have been addressed with the letter of agreement.

Shrink/Swell Policy - not submitted by Mr. Lowery yet.

BOCA Property Maintenance Code/Certificate of Occupancy Inspections - Councilman Mohr moved to schedule a public hearing on the BOCA regulation to adopt the USBC Chapter 34 Property Maintenance Code. and that we authorize our Building Official to do occupancy inspections, second by Vice Mayor Shepard.

Councilman Price states we don't have to adopt the state code if we create our own ordinances. Mr. Lowery states the town is required to adopt all the USBC except the fire prevention and the property maintenance chapters. Mr. Lowery states if you do not adopt the fire prevention code you must write to the state Fire Marshal's office and tell them you did not adopt the code and that gives the state of Virginia jurisdiction to perform fire inspections in this town, which they will do free of charge. If the town chooses to adopt these codes there must be someone to perform the inspections for the town. He thought this was laid to rest a year ago but he looked in the minutes and it does not show it was adopted. Councilman Mohr states the public hearing was held in January 1998. Councilman Price wants to know what the code does and what it entails. Councilman Mohr states he submitted the form and all documents pertaining to this code. This has been reviewed by Mr. Lowery and is sufficient to address the issues the town has with property maintenance standards.

*Mayor Kapp scheduled public hearing at 7:00 p.m. August 2. Councilman Price asked if there is a copy of the document that we are adopting. Councilman Mohr states there is a copy here for citizens to review.

Haymarket Day

Mrs. Ruffo states she has 31 spaces reserved at \$1600 total to date. She has three prices for the town painting prints ranging from \$1530 to \$2700 (150 prints). They can be delivered in one week once the decision is made. We have about 75 requests for prints now. Councilwoman Leonard moved to accept the \$2700 proposal for 150 prints on canvas look stock, second by Councilman Mohr. Mrs. Ruffo would like to get a few more bids. Tabled for more bids.

Mayor Kapp states Charlie and Sue Coe have been chosen to be the Grand Marshal of the parade by the Ruritans.

ISTEA

Need to complete acquisition of the easements.

Gossom Property

We have had our public hearings and we have complied with the 15.2 series state code requirements. Our contract feasibility study ends at midnight tonight, Mayor Kapp states we need to decide to proceed to purchase the property or not to purchase the property.

Councilman Mohr and Councilman Utz ask in regard to the clause that protects the town from putting town funds at risk did we adopt the option dealing with full faith and credit pledge. Atty Jamison states the Council must bring bond questions to their bond attorney. Councilman Mohr asks if the town council votes to purchase the property tonight can we go back and make the motion later to include the full faith and credit pledge. Mayor Kapp states we can adopt it with our bond council's recommendation to best protect the town. Mayor Kapp is not sure if it is a full faith and credit.

Councilman Utz does not want to buy the Gossom property due to it is in the best interest to build a facility to meet our needs due to the structure being too big and a lot of liability and a lot of variables taking over such a huge property and how the council is perceived by the citizens as we will affect other people. He feels the Council has had many issues on their plate that have been in the gray area and the council has been unable to be concise and have clear direction. An issue as large as the Gossom property with so many tenants and being able to manage it, being responsible for equipment maintenance, we have structures that are old and large and not in good repair. We have gotten feedback from our citizens that it is a great idea as long as it doesn't cost them any money. It bothers him that our community is not going to stand behind something we need. They are not supporting this if it does cost them money or raises their taxes. If you could get your facility by renting property and not taking on more than the town can deal with that would probably get more support from the community.

Councilman Utz states those are his concerns and if this body does decide to go forward with this he will support the council in this and not be a negative influence. He applauds the time and effort that the Council has put into this project.

Councilman Mohr states he has done a lot of research on this and Councilman Utz has brought up something he has not considered. Does the Council intend to hire a real estate company to manage this. Mayor Kapp states that the Council does plan to have a real estate broker manage the property and has already discussed this.

Councilman Utz states he has spoken with someone who will be thrown out of their (gray) house. The rumor is that the gray house is gone, which may be a rumor. If that happens we as the town

would be doing away with their residence. Councilman Mohr states that the recommendation is to renovate that building to an office complex and the tenant should be moved. I believe we spoke about the town assisting the tenants to move. Councilman Mohr is concerned about the additional expense of property management. Mayor Kapp states it is done on a percentage basis which is typically 3% of the lease. Councilman Mohr is also concerned about the ill repair of the grocery store and that the tenant never notified the owner of problems and possibly all of a sudden Mr. Davis is going to look to the town as the owner and demand repairs be made and we will be hit with a large repair bill. Mr. Lowery states that Mr. Gossom has stated that once the contract is signed that the town is going to purchase the property he will go full steam ahead to correct all the direct code deficiencies that were found when the buildings were inspected. He would not go full force until then even though he has been correcting deficiencies, i.e., the electricity is almost fully restored in the grocery store and he is installing new heat now. Mayor Kapp states the repair is not part of the contract. Mr. Lowery states Mr. Gossom has a written report of what has to be done and so far he has done everything he is supposed to do, i.e., heating & A/C has been repaired in the hardware store, he's replacing the heat in the grocery store and the heat system in the Coalition building, he's in the process of steam cleaning the floor of the hardware store to begin cutting the plumbing. Councilman Mohr states in the appraisal it states there are some problems with the roof of the daycare center. Mr. Lowery states he has been in the upstairs of the building and is not aware of any problem with the roof. Mr. Lowery says the only problem with the daycare center is the front entrance steps are jagged at the top and Mr. Gossom has agreed to fix them.

Mayor Kapp asks if the motion to purchase includes that repairs would be done, would that cover the town? Atty Arledge states if the contract allows that you can include it. Mayor Kapp states that the contract for the feasibility study expires tonight. Councilman Mohr states knowing Mr. Gossom and how he deals with anyone else in town he doesn't think he will renege on anything he has agreed to do.

Councilwoman Scarbrough asked if we got any information on bank financing. Mayor Kapp states he spoke with Linda (Thompson of First Virginia Bank) today she says the bank will not do anything since we haven't bought it. Once we buy it they will look at it and we could possibly save ½ % on the loan rate. Councilwoman Scarbrough asked about the surveys and what response there has been. The response was eleven no's, 22 yeses. A 2/1 ratio in favor of the purchase.

Councilman Utz states he believes we can expect the same response (as to the survey) when we ask for volunteers to help renovate this property when all we have asked the citizens to do is fill out a piece of paper. We need to be prepared for the worst.

Mr. Lowery states the tenants are responsible for their own layout and improvements. That is part of any leasing arrangement anywhere. The grocery store wants to expand and the tenant will have to put out money for his expansion. The town is at the point that they are going to have to appoint a public works person if, for instance, when the street scape goes in and someone cuts into the sidewalk someone has to police that and make sure it gets repaired. There is a fine of \$1,000 for that kind of thing in Occoquan. Someone has to be responsible to protect the towns assets.

Mayor Kapp states he thinks we may in the near future, need to appoint a town manager. The mayor can not do it all.

Mr. Wheeler asked if the town is still pursuing a bond. Mayor Kapp states he and Councilman Mohr are pursuing it. Councilman Mohr states since it is such a small amount it is taking more research than anticipated. He has found that the bond rate is typically 5% now. He also did find out we can transfer the loan to a bond at any time. Mayor Kapp states even at 7% it is a good rate. Mr. Wheeler states that folks he has spoken with are concerned with the 10 year balloon and we will be no further ahead than we are today.

Councilman Mohr says he is looking for grants for municipalities and they will entertain helping once the town actually purchases the property.

Mrs. Stutz states she thinks the town has to have a good strong plan to move forward with the property and knows there are folks interested in leasing property here. Mayor Kapp has shown the project to several people who are interested in coming to Haymarket.

Mr. Lowery asks if there will be five legally staked off parcels when the purchase takes place or will it remain all addressed on Jefferson Street. Mr. Lowery thinks it would be a good idea to separate the buildings in the event the town wants to sell part of the project. Council agrees that is a good idea.

Councilwoman Leonard states it is hard to sell something when there is a note against it. Mr. Lowery states you would have to break the note up. Councilman Mohr states the appraisal report breaks down each of the buildings and their value.

Councilman Price states he likes the idea and is in favor to go ahead with it and would like to see as part of the motion there will be a number of work sessions to organize a plan of attack for renovation and repair and moving and getting leases and management company which needs to be up and running very quickly since we are in a one year time constraint to get the grant money for this building (town hall). Councilman Mohr states the Historic Commission has someone coming up with a design for the building for the museum, who is an architect, and they have researched grant money. Councilwoman Leonard asked who she is and who asked her to do this. Councilman Mohr does not know her name and says the Historic Commission asked her to do this. Mayor Kapp states if she is doing this for free she can present us a bill for the services and use this for in-kind contribution toward the \$30,000 grant match.

Mrs. Bailey states she has been here 15 years and been on the Planning Commission and Town Council and what scares her is the town has bitten off a big amount with the street scape which she hopes will come to fruition in the next year. She is very leery of the town taking on this type of expense and even though we have a company to handle rentals the town does not need to get in the rental business. She thinks it is bad timing as it is a big project.

Councilwoman Leonard states she has the same anxieties and caution but the cheapest parcel in town available is \$450,000 and by the time you put the building on and improvements on we would be way over this price with no income to serve the debt.

Councilman Mohr states we don't want to become property managers but it does pay for itself. Mrs. Bailey states there is no guarantee to that. Councilman Mohr states that there is only 3% of the commercial property in the County empty. Most of them empty is due to condition factor that cannot be solved. Looking at that fact, that everything in this area is growing, this is a good thing for the town now.

Mrs. Bailey states in the 15 years she has been here there has been a handful of people to help do anything. She doesn't think the citizens will pull together to help. Councilman Mohr states with the additional people in Greenhill who have become active and interested he feels there is interest to help.

Atty Jamison states he recommends the Council not take action which will automatically start the clock for sixty days from now this goes to settlement. You do not need to tie your hands with a motion but you do need to contact the bond attorney.

Councilman Mohr moved to proceed with the purchase of the Gossom property, second by Vice Mayor Shepard. Yeas: Mohr, Shepard, Leonard, Scarbrough, Price. Nays: Utz. Motion carried by 5/1 vote.

Continuation scheduled for Monday, July 19 at 7:00 p.m.

**TOWN OF HAYMARKET, VIRGINIA
Chartered 1799
County of Prince William**

Town Council continuation, July 19, 1999, 7:00 p.m.

**MAYOR
John R. Kapp**

**ATTORNEY
John Arledge**

**COUNCIL
James Shepard, Vice Mayor
Dottie Leonard
Mary Lou Scarbrough
Tom Utz
Doug Mohr
Fred Price**

Mayor Kapp opened the continuation meeting of the town council at 7:20 p.m.

New Business

Ryan Homes, Sect 9, Lot 32, Tuscany A - Mayor Kapp states there was a house elevation for Ryan Homes that the ARB denied that the sales representative for Ryan Homes sold inadvertently. Councilman Utz moved to approve for a one time only for Tuscany A with a partial porch and to include dentil molding, carriage lights (2 on garage and one at front door) and colonial lintels, all brick or all vinyl front (no mixing materials) second by Councilwoman Leonard. Yeas: Shepard, Leonard, Scarbrough, Utz, Mohr, Price. Nays: none
Motion carried by 6/0 vote.

18th Century Haymarket

Mayor Kapp states Ryan Homes is negotiating to purchase this project and they would like to know what we are requiring as far as aesthetics. Councilman Utz states he has looked at the new homes in Vienna and the all brick homes look odd as they are doing different colors of brick and mixing them too much.

Councilwoman Leonard states the ARB is recommending brick fronts allowed on attached houses, unattached housing requires wood look vinyl, all brick front, stone-with or without wood look vinyl, all stone, or all wood are permitted.

Councilman Mohr states if the ARB is going to permit vinyl siding we will have to designate manufacturer specifications in order not to allow the cheap looking vinyl. Mayor Kapp asked Councilman Price what he thinks since he lives across the street from this project. Councilman Price states you may not want to require wood since it is high maintenance. He also states you are taking an area and making it an island by requiring high price houses and there aren't any that will compete with it in the area.

Ryan Homes is also interest in purchasing the other Bolt property (on Bleight Drive/Washington St.) States Mayor Kapp and they are willing to put single family homes there instead of the townhouses it is zoned for.

Business License

Lane's Motor Sales & Service - Atty Arledge states in regard to the zoning requirements "use of right" as a service station - he used the dictionary for a definition. The Town Clerk advised that a definition was adopted 7/6/98 zoning code review. Mayor Kapp states Va. State law (46.2-400) says if the use is not used for two years that use dies. Mayor Kapp states he had the town clerk research the gross receipts for the past two years. The Town Clerk said yes there were receipts. Mayor Kapp asked if there is any break down of what the receipts were for. No was the answer.

The Town Clerk states as treasurer she can require documentation of receipts with bill of sales and repair receipts. She will send a letter to the applicant.

Councilman Mohr states he checked with the rules of the state and the requirements are that individuals have to transfer the title into their name for re-sale, if not, they're not a dealer.

Mayor Kapp states under the BPOL ordinance the treasurer can request the documentation for sales. He has signed a zoning letter for each auto dealer that Alan has presented but he has never signed a zoning letter for Lane's Sales & Service.

Councilwoman Leonard states there are cars displayed at Century Stair and other properties that are not approved car dealers. Councilman Mohr says he has been in the car dealers offices and they don't display vehicles. Mayor Kapp wants a list of all the car dealers and he will personally check them out.

Councilman Price states the only use Mrs. Lane can have by the zoning is the auto sales - service is not permitted in B-1 use.

Councilwoman Leonard says the council is trying to take away her business use. Councilman Price asks if the use goes with property - it has to be active use, not in name only. He states he doesn't want to see a gas station in the middle of town, neither does Councilman Mohr.

Councilwoman Leonard states she clearly disclosed that she was representing the property for sale and Councilman Mohr said at the last meeting he had never heard she listed the property. It was discussed that in previous meetings.

Mayor Kapp says Jean Lane said if we don't give her the business license she won't give us the ISTEAs easement. Councilman Mohr asked where Jean Lane got the information on withholding the easement. Councilwoman Leonard said it was Jean Lane's idea but she thought it was a good idea.

Longstreet Commons - appeal of real estate tax

Mayor Kapp states the Double T Corporation failed to record a deed to the HOA for the common grounds. We've been taxing them. Sequoia Management has finally recorded the deed. Atty Arledge states the property is still taxed to HOA 58.1-3284 states common area is tax exempt. Atty Arledge states to check with the Commissioner of Revenue at PWC to see if they are taxing them.

Costello request to name private streets, 15175 Washington St.

Donald Costello has submitted a request to name the entrances to Century Stair, Costello Way and Dino Lane. Councilman Price suggests we check with the County. The Town Clerk is to get a copy of the county approval. Councilman Mohr doesn't think the name Dino has any relevance to historic names. Councilman Mohr moved to approve Costello Way and disapprove Dino Lane, second by Vice Mayor Shepard. Mayor Kapp states Greenhill Crossing never came to the town for street name suggestions. Councilman Price states you don't have to approve names, during the review of the plat the council could have denied street names. Yeas: Scarbrough, Mohr, Shepard, Utz. None: None. Abstain: Leonard, Price. Motion carried by 4/0 vote.

Demolition Permit

Form approved by PC, ARB, Building Official & Historic Commission - Councilman Price asked if a land disturbing permit is required.

Councilman Utz asked about asbestos abatement, if a certificate or license is required. Atty Arledge states there is a state license requirement. Tabled.

BZA appointment

Robert Stalker is moving in mid August. Nominees are to come in the August 16 meeting.

BZA application

Letter from Smith & Davenport stating the application for BZA is out of date and needs updating for the state code reference.

Code amendment

Section 12-169 - "kilowatts" incorrect, should be "volts" add to public hearing August 16.

Atty Arledge states there may be a requirement if Virginia Power upgrades the lines they would be required to put underground.

Virginia Municipal League Insurance

Addendum #2 amendment looks okay but why is it being done, clearly such an amendment is not advantageous to VML. Town Clerk to get a copy of the member agreement paragraph 11. Appears to be a good thing, states Atty Arledge. Councilman Mohr moved to approve addendum #2, second by Councilwoman Scarbrough. Yeas: Shepard, Leonard, Scarbrough, Utz, Mohr, Price. Nays: none. Motion carried by 6/0 vote.

Copier

Councilwoman Leonard suggests we get a demonstration model from Sharp that is lightly used and get the maintenance agreement. Councilwoman Leonard is to get information from Sharp Councilman Mohr to get Xerox and IBM information to compare with Pitney Bowes information.

Correspondence

GTE sent out information that local dialing will required 10 digits soon.

Employee liability insurance

Jim Lowery employee status - tabled.

Use Regulations

Industrial-1 district:

presented by Planning Commission. Mayor Kapp states he does not think service stations should be deleted because of the current stations would be non-conforming.

(3) Councilwoman Leonard states what if we want to have a blacksmith shop which is a colonial occupation.

(3) Mayor Kapp states deleting welding machine shop - that is what some businesses do in that district.

Council directed Mr. Lowery to send a letter to Rex Phares to clean up the road and mess they made.

Signature Kitchens/Noell Crane want the Mid Atlantic Plumbing Co. plumbing storage out of there. Cameron Plumbing wants to openly store all the plumbing supplies on the Phares Property that was re-zoned to I-1.

Town Clerk to copy B-1, B-2 and I-1 new regulations for the next PC meeting.

Y2K - Councilman Mohr states he has been informed that embedded chips in power transformers on poles will fail - the police force cars may not be functional - tractor trailers - gas companies for heating - safety shut off valves may fail. The biggest problem failure takes place with suppliers who will not be able to supply. Also 911 service may fail. Town of Luray has the best contingency plan in the state, 3 police man force, some towns having a town party so that everyone will be together at the failure.

Municipal Code

At finish of review zoning ordinance we'll be set to go.

Van Horn Memorial Park

Tabled.

Madison Street improvements

Atty Jamison working on them.

Bluemont Concert Series

Councilman Utz resigned from the committee due to schedule constraints. Councilman Mohr will serve in his place.

State Motor Vehicle Code

Vehicle code clean up - public hearing August 16

Criminal Code

Atty Arledge will look into.

Closed Session

Vice Mayor Shepard moved to go into closed session to discuss personnel matters pursuant to Va. Code 2.1344A.1, second by Councilman Utz. Yeas: Shepard, Leonard, Scarbrough, Utz, Mohr, Price. Nays: none. Motion carried by 6/0 vote.

Vice Mayor Shepard moved to go out of closed session and into regular session certifying that no business was discussed except personnel matters, second by Councilwoman Scarbrough. Yeas: Shepard, Leonard, Scarbrough, Utz, Mohr, Price. Nays: none. Motion carried by 6/0 vote.

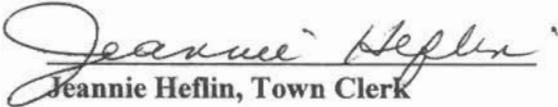
Town Attorney appointment

Councilwoman Scarbrough moved to appoint John Arledge of Smith & Davenport to the position of town attorney, second by Councilman Mohr. Yeas: Shepard, Leonard, Scarbrough, Utz, Mohr, Price. Nays: none. Motion carried by 6/0 vote.

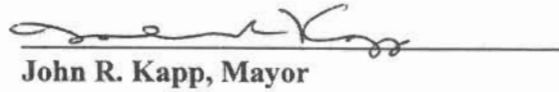
Adjournment

With no further business to discuss the meeting was adjourned at 10:42 p.m.

RESPECTFULLY SUBMITTED:


Jeannie Heflin, Town Clerk

APPROVED:


John R. Kapp, Mayor