

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

**CHAIRMAN**  
John R. Kapp

**ATTORNEY**  
none present

**COUNCIL**  
James Shepard, Vice Chairman  
Mary Lou Scarbrough  
Dottie Leonard  
Doug Mohr  
Tom Utz (absent)  
Fred Price (absent)

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**Public Hearing**

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

- (1) **Ordinance review amendments,**
- (2) **Re-codification of the Code of Haymarket,**
- (3) **Adopt by resolution the United States Building Code (USBC), Chapter 34 Property Maintenance Code,**
- (4) **Section 8-4 Adoption by reference of the State Motor Vehicular laws**

Mayor Kapp asked all those **in favor** of the above four issues to speak.

First Call: no one spoke.

Second Call: no one spoke.

Third Call: no one spoke.

Mayor Kapp asked all those **against** the adoption of the above four to speak.

First Call: no one spoke.

Second Call: no one spoke.

Third Call: no one spoke.

**Bond Authorization for Gossom property in the amount of \$1,250,000.**

Mayor Kapp asked all those **in favor** to speak.

First Call: no one spoke.

Second Call: no one spoke.

Third Call: no one spoke.

Mayor Kapp asked all those **against** to speak.

First Call: no one spoke.

Second Call: no one spoke.

Third Call: no one spoke.

Public hearing closed at 7:30 p.m.

**REGULAR SESSION**

**CHAIRMAN**  
John R. Kapp

**ATTORNEY**  
John Arledge

**COUNCIL**  
James Shepard, Vice Chairman  
Mary Lou Scarbrough  
Dottie Leonard  
Doug Mohr  
Tom Utz (absent)  
Fred Price

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**Minutes of previous meeting**

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

**Police Report**

Sgt Roop reported (see attachment). Councilman Mohr is stepping in as Police Dept liaison. He states the Dept requests the curfew ordinance be adopted as in the townhouse area there are youth hanging around at night. Councilman Mohr proposes the Town Council adopt the county curfew ordinance since it has already been through the Commonwealth Attorneys office.

Additionally, Councilman Mohr states the PD would like a credit card for gas at other locations, traveling expense when they are on the road. American Express credit rate is at 9.9%. The annual fee is \$40. Councilman Mohr recommends we look at other credit cards. Mayor Kapp asked Councilman Mohr to ask Tom Utz to check other counties. Commissioner Jasionowski suggested to check with the Diner's Club and the fact you can restrict use of the card.

Councilman Mohr states Sgt Roop would like permission to drive home the '93 cruiser. It has over 100,000 miles on it. Councilman Mohr moved to approve the '93 cruiser for Sgt Roop's personal and business use, second by Vice Chairman Shepard. Yeas: Shepard, Scarbrough, Leonard, Mohr, Price. Nays: None. Motion carried by 5/0 vote.

Councilman Mohr states the Police Dept had an unexpected \$250 bill for one of our PD employees for training. He states if we join with another police force we can pay \$275 annually and receive all training free for the year. Mayor Kapp states the minimum requirement for in service training is every two years. The total will be \$825 for all three officers, \$1000 budgeted for FY '2000, \$400 has been spent on training this budget year. Councilwoman Leonard moved to spend \$275 per officer to join the Rappahannock Academy, Second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Leonard, Mohr, Price. Nays: None. Motion carried by 5/0 vote.

Councilman Mohr proposes the Police Dept purchase a 1991 unmarked police package vehicle with new engine at a cost of \$3000. Radio and lights would be \$4200. Commissioner Jasionowski states he heard of a small town who renounced their charter who has three cruisers sitting idle. He will e-mail the information to Councilman Mohr. Sgt Roop states the condition of the '93 cruiser is good, he does not know the condition of the proposed '91 vehicle. Councilwoman Leonard suggests we table it. Councilman Mohr will look at closer and report back to Council.

Police Badge Expense - Sgt Roop wants \$500 to purchase badges to give out to the kids for Haymarket Day and Halloween. The Mason's have offered a \$500 donation. Sgt Roop would like a loan until the donation comes in.

Councilman Mohr moved to give Sgt Roop \$500 loan for public information items and when the grant is received it will be returned to the general fund, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Leonard, Mohr, Price. Nays: None. Motion carried by 5/0 vote.

James Madison Hwy no parking sign - Councilman Mohr states the street next (behind) Sheetz needs to be signed "no parking" so PD can ticket. Council needs to know whether this is an

easement or a public right of way.

Violation notice requires a 14 point "law enforcement notice" which must be on the front of the envelope. Sgt Roop states folks do not pick up their certified mail notice since they know it is a violation notice. Atty Arledge states it doesn't matter if it has been picked up the PD can get a summons from the court anyway.

A&H Auto Service - a couple looked at a vehicle that was presented as a personally owned vehicle and when they wanted to purchase it the boy who showed it said they had to go to A&H who had the title. Mr. Gossom states this should not be publicly aired until the investigation is complete. The police can notify the DMV and they will investigate. Tabled.

Jefferson St. - Mr. Price requests a radar check as there have been a lot of cars speeding on Jefferson Street (south), some are airborne coming over the tracks.

General Orders - complete - available for review - attorney looked at it. The PD is using it.

**Treasurers Report**

First Virginia Bank general fund checking account beginning balance \$92,684.37, expenses \$23,382.21, deposits \$32,784.86, ending balance \$102,087.02.

**Unpaid Bills**

Councilwoman Leonard moved to approve, second by Councilman Price. Yeas: Shepard, Scarbrough, Leonard, Mohr, Price. Nays: None. Motion carried by 5/0 vote.

**Business License**

Legend Auto Sales, 14950 Washington St., #105, independent auto dealer, B-1 zoning - Councilman Mohr moved to approve, second by Vice Chairman Shepard. Yeas: Shepard, Scarbrough, Leonard, Mohr, Price. Nays: None. Motion carried by 5/0 vote.

A&H Auto, 6707 Jefferson St. #3, independent auto dealer, B-1 zoning - Councilman Price moved to approve, second by Councilwoman Leonard. Yeas: Shepard, Scarbrough, Leonard, Mohr, Price. Nays: None. Motion carried by 5/0 vote.

**Sign Permit**

Legend Auto Sales, 14950 Washington St., #105, independent auto dealer, B-1 zoning - Councilwoman Scarbrough moved to approve, second by Councilman Mohr. Yeas: Shepard, Scarbrough, Leonard, Mohr, Price. Nays: None. Motion carried by 5/0 vote.

TOPS, LC, 14890 Washington Street, free standing - PC and ARB approved (need ARB chairman signature on application.) Councilman Price moved to approve, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Leonard, Mohr, Price. Nays: None. Motion carried by 5/0 vote.

**Construction Permit**

Ryan Homes, Sect 9, Lot 15, house type change, 14938 Greenhill Crossing Drive, Chandler C - PC and ARB approved. Councilwoman Scarbrough moved to approve, second by Councilwoman Leonard. Yeas: Shepard, Scarbrough, Leonard, Mohr, Price. Nays: None. Motion carried by 5/0 vote.

### **Site Development**

Mid Atlantic Pipeliners Inc. - Councilman Price states he reviewed but it has already been built. Councilman Price states the driveway was not so much a problem as when it becomes permanent. Councilman Price says it meets temporary standards. Councilman Price moved to approve site development permit, second by Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Leonard, Mohr, Price. Nays: None. Motion carried by 5/0 vote.

**Break** - Council took a break 8:25 to 8:30 p.m.

### **Subdivision Plan Review**

Kenneth Witcher, 15221 Washington Street, gpin 7297-69-7686 - Councilman Price moved subdivision request be approved contingent on (1) no site plan will be issued until adequate vehicular access is provided and (2) all site easements for water and sewer are recorded, second by Vice Mayor Shepard. Councilman Price states this plat was sent in when Mark Branca was here. Councilman Price gave a list of needs to BDE and all issues but two were met. Councilman Price says it is a private easement next to Sheetz, this is three lots, one residential, the other two industrial lots. Lot two is entirely in the flood plain, note on plat says no building permit until flood plain revised. Councilman Price states he told Mr. Phares we could approve when the flood plain was revised to take care of improvements, no drain field site on the plat or easement for access to sewer. Councilman Price states legally we can not create a lot that can not be served by water and sewer. Yeas: Shepard, Scarbrough, Leonard, Mohr, Price. Nays: None. Motion carried by 5/0 vote.

### **Site Plan**

TOPS, LC, 14890 Washington Street, business license - Mrs. Contrucci, property owner, states she has conceptual plan for this property which was provisional to approval of the business license and certificate of occupancy for TOPS, LC. Mr. Lowery gave her a temporary certificate of occupancy. The issue is the number of parking spaces and paving the parking lot. Mrs. Contrucci requests (1) Council approve the business license as all building code requirements for a business use have been met. This business will grow very rapidly and the business owner hopes to stay in Haymarket. Mrs. Contrucci would like site issues reviewed separately. (2) She would like delay on the requirement to submit a site plan to pave the parking lot, she needs an extension. (3) She would like to get an approval of the concept. Councilwoman Leonard states the Council can not by law approve the concept. Mrs. Contrucci states it complies with the current zoning law now. She can park five vehicles, the space is 620 sq ft on first floor with an apartment on the second floor. It comes under county requirements of 5 spaces with handicap space. Mrs. Contrucci states she wants to expand the building with an addition behind the existing building, the footprint of the lease space is a total of 1380 sq ft tied to the existing building. She wants to come forward with a full fledged site plan but can't do it now with no earning history for the property so she can't get a commercial loan.

Besides the additional square footage and additional 7 parking spaces and another apartment, the future plan is to make a thru way (they own the apartment building next door) for both buildings to access the property from Washington Street and exit the property on Hunting Path Road. This is a very narrow lot and they would like to reconfigure it and pull the two parking lots together. She states the residential and commercial uses do not compete and still meet all parking space requirements and it eases the commercial use allowing the exit not on Washington Street. Mrs. Contrucci states she spoke with Mr. Lowery who said if they are forced to pave the parking it will be torn up with the construction of the commercial addition. Mrs. Contrucci states she is asking Council (1) for approval of TOPS LC business license and let us address site issues

separately, (2) grant certificate of occupancy for first floor subject to site plan submission in 2 ½ years subject to construction start in 2 ½ years, (3) a nod of approval for overall plan. Mayor Kapp states the Council can grant occupancy permit and approve delay in paving the lot for 2 ½ years. The Mayor states John Elkin said we may be constructing phase 2 of the ISTEA and they can do their street improvement at the same time. Councilwoman Leonard states the towns conceptual plan is for parking to be on the rear of property with the building on the front. She would like Council to keep that in mind.

Commissioner Jasionowski states the PC discussed all new commercial uses requires paved parking. Mayor Kapp states gravel parking is already there. Commissioner Jasionowski states in addition there is requirement of handicap designation. Councilman Price says that could come with the review of the site plan. Councilman Mohr states he would like to see more designation where it is. Mrs. Contrucci states they want to put curb bumpers and put more gravel in. Councilman Mohr wants to be sure the improvement gets done.

Councilman Mohr moved to approve business license for TOPS LC, second by Councilwoman Scarbrough. Yeas: Mohr, Scarbrough, Price, Leonard, Shepard. Nays: None. Motion carried by 5/0 vote.

Mayor Kapp asked that Mrs. Contrucci come back with the landscaping and curb bumpers next month. Commissioner Jasionowski requested Mrs. Contrucci submit to the Planning Commission and the Architectural Review Board for the September meeting (Sept 28 and 29.)

Councilman Mohr states Section 12-113 of current code requires new buildings must meet requirement for paved parking.

#### **Bond Reduction Request - 18<sup>th</sup> Century Haymarket**

Mayor Kapp states Bernard Bolt and his wife own this project outright now. Mr. Bolt requests a bond reduction to \$107,510.47 from \$187,836.47. Councilman Mohr moved to reduce bond to \$107,510.47, second by Councilwoman Leonard. Yeas: Mohr, Scarbrough, Leonard, Shepard. Nays: None. Abstain: Price. Motion carried by 4/0 vote.

Mayor Kapp states Jefferson Street has not been completed due to five power poles are in right of way need to be moved. Mayor Kapp will write a letter to request Va. Power move the poles.

#### **Citizen's Time**

Heather Bonney states she has been informed Council is in receipt of a letter from Greenhill Crossing Homeowner's Association regarding street lights. She states she asked the Town Clerk what the requirements were for street lights in regard to lumens. Mayor Kapp states he has a request from Longstreet Commons (six lights) and Greenhill Crossing (seven lights in Sect 1, 2, 8) plus St. Paul Drive for the town to pick up the monthly expense. Councilwoman Leonard asked if site approvals came in and approved before the lights were installed. Mayor Kapp states the taxes paid by citizens pay for street lights. Mrs. Bonney says if the requirement is not the towns (requirement) the lights should be turned off. Pam Stutz states VDOT requires lights in certain places. Ms. Bonney states the county will pay \$7 per month for cobra lights but will not pay \$33 for acorn lights and 13,000 lumens are far too bright, states Ms. Bonney.

Mayor Kapp asked what does HOA feel about it. Ms. Bonney states it was not brought up. Mr. Wheeler, on the Board of Dir., states lights are required in the subdivision and the town required acorn lights and if the town requires a particular light that requires more lumens the town should

be willing to pay the bill. The issue of turning the lights out has not been brought to the Greenhill Crossing HOA. Mayor Kapp asked the PC to review the site plan for Greenhill and Ed Wheeler address this at the HOA and we'll address at the next meeting. Mr. Wheeler asked if it is determined the town should pay will the town pay back bills.

Mrs. Turner introduced Patrick Wilson who replaced Mike Fuchs at The Potomac News.

### **Planning Commission**

Commissioner Jasionowski asked Council to consider designating a business district from Fayette Street to Greenhill Crossing and request VDOT to reduce the speed limit to 25 mph. Councilwoman Scarbrough moved to designate Haymarket Business District from Fayette Street to Greenhill Crossing, second by Vice Mayor Shepard. Mayor Kapp will send a letter to VDOT to reduce the speed. Councilman Mohr is to provide an ordinance.

### **Architectural Review Board**

Commissioner Jasionowski says the board has spent the last four meetings revising the Design Manual and requests the revised Design Manual be adopted into the code as an ordinance. Mayor Kapp states he has not reviewed the final draft. Council is assigned to review for the October meeting. Commissioner Jasionowski asked if a public hearing is required to adopt the Design Manual. Mayor Kapp states the Town Council has to schedule a hearing but Council is not prepared to do so yet.

### **Historical Commission**

Councilman Mohr states the Commission held election of officers August 26. Nominations for officers are: Chairman - Adrienne Crafton-Masterson, Librarian/Secretary - Mary Louise Ransom, Historian/Racing Commission - Sarah Turner, Vice Chairman - Michelle Neal Heard, Public Relations/Membership - Eleanor Garcia, Treasurer - Ruth Price, Asst. Treasurer - Carol Cybulski, Artist in Residence - Mary Carter, Assistant Historian - Carolyn Jones, Member - Rodney Rehrig.

Councilwoman Leonard would like Council to appoint the Historian for the museum. Mayor Kapp states he is calling a special meeting with all the boards to discuss the museum.

Councilwoman Leonard moved to appoint Adrienne Crafton-Masterson as Chairman of the Historical Commission, second by Councilman Mohr. Yeas: Mohr, Scarbrough, Price, Leonard, Shepard. Nays: None. Motion carried by 5/0 vote.

Chairwoman Masterson, as her first official duty, asked the Mayor to refrain from calling the Commission the "hysterical" commission from now on.

Caboose - Councilman Mohr states the commission started preparation for painting, steam cleaned, the caboose and taped for primer coat. He states he contacted the S.C. Museum of Trains for the original color. They want to use vinyl lettering for caboose. Councilwoman Leonard asked if it went to the ARB. The colors are Polished Apple Red and Kettle Black for the trim.

Councilman Mohr states Judge Stickley's son, Nelson, has a photo of him, Judge Stickley, in full robe with a portrait of Abraham Lincoln behind him. Councilman Mohr wants to replace the picture of George Washington (in town hall) with this picture of Judge Stickley. Mayor Kapp tabled until we move.

Councilman Mohr says if the town agrees we need to enlarge the original photo which is about 12" x 16." Mayor Kapp asked for a proposal to enlarge and frame the photo.

Councilman Mohr states Mrs. Turner's book should be ready for Haymarket Day.

Councilman Mohr asked for an area designated, in the hardware store, to start collecting inventory for the museum. Mayor Kapp states we have to wait until we own it.

Museum Grant - Councilman Mohr says if the library or museum doesn't exist as of June 30, 2000, the museum grant is dissolved. Councilman Mohr says the Historical Commission has authority to change the charter, per the charter, with a meeting and a vote to extend their existence. Atty Arledge states as long as it doesn't involve town money the Historical Commission may be continued.

#### **Building Official**

Not present.

#### **Old Business**

Haymarket Day - Mayor Kapp has a wagon and tractor for Council to ride in the parade. He asks who is riding. Councilman Mohr, Price, Scarbrough, Leonard and Vice Chairman Shepard will ride. Councilwoman Leonard states she may ride with ARB. Mayor Kapp states he would prefer she rode with Council. Council will decorate the wagon at the school Saturday morning.

Mayor Kapp states the Ruritans asked we do not throw candy from the wagon. We can walk along side the wagon and hand candy out. Councilwoman Scarbrough will purchase the candy.

The Town Clerk states we have about 75 crafters. Mayor Kapp needs help marking out spaces. The mayor states we will go with plan B for space use (will not be using the Costello properties). Ed Wheeler will assist the mayor.

Pizza booth - the mayor asked if we arranged for a pizza booth. The Town Clerk states there is not enough manpower volunteered for another booth.

Van Horn Memorial Park - Councilman Mohr states he made a presentation to the Mason's regarding use of the Melton house. Councilman Mohr submitted a proposal to Council for YIELD (youth illustrating exceptional life decisions.) Councilman Mohr states the issues are (1) parking - only volunteers will be permitted for on site parking, others park at town center. (2) park/playground - don't do until the youth center is up and running since the property has been re-zoned it is a smaller rear yard. Plastic play equipment is not appropriate since it only has a five year life. Stainless steel slide and wood coated with polyurethane is recommended. Hours recommended are Wednesday through Friday evening.

Councilman Mohr states the Mason's have two other proposals (1) Lutheran Social Services for phase 2 - which houses people after they are freed from abusive spouse. Councilman Mohr brought up the issue of volatility (due to anger from the abusive spouse), (2) Coalition Against Hunger - they told the Mason's the town was kicking them out of their current facility. The Coalition stated they provide 50 families with food in Haymarket. Mason's want our response to these other two proposals.

Michelle Heard is concerned with the Coalition and Lutheran Social Services due to traffic. She

says a youth center is okay. She has heard that Winchester has a Social Services house and the police camp out there due to problems. (3) Councilman Mohr states Glory Happy Hats also is interested but no formal proposal has been submitted.

Councilwoman Leonard states since our concern has been with youth activities for 20 years we must support a youth center. Councilwoman Leonard moved the town support YIELD, second by Councilwoman Scarbrough. Michelle Heard would like to meet with the Jefferson Street citizens and the YIELD committee. She asked who has been informed of this. Mayor Kapp says this has been in the newsletters and discussed in regular session of Town Council meetings. Councilman Mohr states we need to get back to the Mason's for their October 4 meeting.

Commissioner Jasionowski asked if this is a permitted use in that zoning, R-1, district. Yes, parks and playgrounds plus certain uses "public facilities that serve residents" is permitted.

Yeas: Mohr, Scarbrough, Price, Leonard, Shepard. Nays: None. Motion carried by 5/0 vote.

#### **St. Paul's request to use town hall**

St. Paul's Episcopal Church requests to use the town hall on Sunday mornings for thirteen weeks from 8 to 10 a.m. for a Life Management Study class. Council approved.

#### **Turn the Mill Around**

Mrs. Turner states she attended a workshop to renovate the (Beverly Mill in Broad Run.) She states they have prints, books, feed bags, etc to sell to raise funds. Mrs. Turner will get some to sell in the caboose.

#### **ISTEA Grant, Phase I**

Mayor Kapp states one easement is still due. It looks like we will have to go to the condemnation proceeding. We need to make a bonafide effort to purchase the property, then get an appraisal. Mayor Kapp states John Leddy of VDOT guessed at \$300-\$500. Councilwoman Leonard states the town has to pay market value. Mayor Kapp states not for a sidewalk easement. Mayor Kapp states she owns property and we're just asking to build 5 feet of sidewalk. Councilwoman Leonard states we will have to pay a square footage price. Councilman Mohr states the folks in Gainesville are disappointed in the offers from VDOT for their business property for the Rt. 29/66 interchange.

Mayor Kapp states the transportation board is looking to improve the price VDOT pays. Mayor Kapp states it will cost \$10,000 to proceed. The business license is not an issue with the ISTEA. Councilwoman Leonard suggests we send an approved uses business license and state "not to include."

Lane's Auto Sales & Service - Councilman Mohr moved to approve business license for auto sales and service, under roof, not to include paint and auto body shop, second by Vice Mayor Shepard. Councilman Mohr amends his motion to include the B-1 district regulations states no painting, auto salvage withheld, must provide evidence of sales of junk parts, salvage, second by Vice Mayor Shepard. Yeas: Mohr, Scarbrough, Price, Shepard. Nays: None. Abstain: Leonard. Motion carried by 4/0 vote.

#### **ISTEA phase II**

Mayor Kapp states proposal from BDE engineering for Phase 2 from Madison Street to Haymarket Baptist Church cost \$86,852 plus additional direct cost \$28,859 (So Deep) who co-



locates existing utilities. We know where water and gas are, the cost is high. Councilman Price recommends we get a second proposal. Mayor Kapp states we would put this out on an RFP and get three bids as VDOT requires.

Councilman Mohr says the company he is discussing this with will do all the work in getting RFP and bids. It is a consulting firm who does this for free, they get their money from the contractors. Councilman Price says this proposal is high. Mayor Kapp says the horizontal alignments have been done. Councilman Price states it would take one day to do the survey. Councilman Mohr says the CAD hours are very high.

Council has to vote to proceed. Mayor Kapp says Richmond VDOT says that as long as we are making progress they can extend our grant.

**Continuation**

Vice Mayor Shepard moved to meet Thursday, September 23 at 7:30 p.m., second by Councilwoman Scarbrough. Councilman Mohr will contact the contractor to make a presentation to Council.

**Gossom property**

Alan is working with plumber re: back flow - will be done by Friday.

Resolution for bond financing, authority to borrow \$1,250,000. Councilman Mohr moved to approve for the purpose of purchase of the Gossom property, second by Councilwoman Scarbrough. Yeas: Mohr, Scarbrough, Price, Leonard, Shepard. Nays: None. Motion carried by 5/0 vote.

**Bluemont**

Next meeting Wednesday, October 7 at 7:00 p.m.

**November meeting**

Mayor Kapp announced the November meeting would be moved to the second Monday, November 8.

**Greenhill Crossing, Section 2 bond release**

Tabled for Homeowner's Association response.

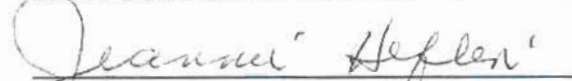
**Web Site**

Should be up and running soon.

**Section 8-4 State Motor Vehicular Laws**

Councilman Mohr moved to adopt the amendment to state motor vehicle code, second by Councilwoman Scarbrough. Yeas: Mohr, Scarbrough, Price, Leonard, Shepard. Nays: None. Motion carried by 5/0 vote.

**RESPECTFULLY SUBMITTED:**

  
Jeannie Heflin, Town Clerk

**APPROVED:**

  
John R. Kapp, Mayor