

TOWN OF HAYMARKET, VIRGINIA
Chartered 1799
County of Prince William

HAYMARKET TOWN COUNCIL
September 14, 1998

MAYOR
John R. Kapp

ATTORNEY
Charles Jamison
Peter Steketee

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

Mayor Kapp opened this regular meeting at 7:30 p.m. with the Pledge to the American Flag. Bernard Bolt led the council in prayer.

Minutes of August meeting

Vice Mayor Shepard moved to approve with corrections noted, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Seffinga, Branca. Nays: none. Motion carried by 4/0 vote.

Police Report

Councilman Seffinga read a letter of resignation from Sgt. Charles Bockey. Sgt Bockey's last day of employment is September 21, 1998.

Councilman Seffinga reports there were 23 traffic citations and 25 calls in August. On September 14 a search and arrest was executed Haymarket Police, the FBI and Northern Virginia Task Force. Haymarket Day ten officers will be on duty. ABC mobilization champion reward was received by this dept.

Back 2 Basics children's program was done. Need approval for grant for records improvement for incident based reporting. Total cost is \$4500 total town match @ 25% = \$1125. Officer Roop states the Police Dept needs to hook up to the Internet. Vice Mayor Shepard states they need a dedicated line and asks if they need Internet or is it access to Police modem. It is needed by year end. More information will be forth coming.

Councilman Seffinga moved to approve the Police Dept to proceed with the grant for record improvement \$1125 town share and \$150 for new phone line installed, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Seffinga, Branca. Nays: none. Motion carried by 4/0 roll call vote.

General traffic laws - article 8-4 Councilman Branca moved to adopt Section 8-4, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Seffinga, Branca. Nays: none. Motion carried by 4/0 vote.

Treasurers Report

General Fund, First Virginia Bank - July 31 beginning balance \$75,8490.42, expenses \$32,051.80, deposits \$13,803.32. Ending balance August 31, \$57,591.94.

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Unpaid Bills - Vice Mayor Shepard moved to approve, second by Councilman Seffinga. Yeas: Shepard, Scarbrough, Seffinga, Branca. Nays: none. Motion carried by 4/0 roll call vote.

Municipal Code Corporation - recodification balance on account \$2800. The draft of the revised code is due the end of September.

PWCSA - Washington Street water main - Mayor Kapp and Councilman Branca talked to Joe Darby of PWCSA. The additional 5% will be billed to the subscribers and paid to PWCSA. Mayor Kapp will get together with the Clerk to figure billing. Mayor Kapp will check the 5% with Atty Steketee. Councilman Branca moved to pay \$28,676.00, assess property owners of executed subscription agreement the 5% maximum cap totaling \$28,676.00 upon receipt we will forward to PWCSA, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Seffinga, Branca. Nays: none. Motion carried by 4/0 vote.

Business License

EEE Auto Sales, Enayet Rashid, 6707 Fayette Street #3, independent vehicle dealer - Councilwoman Scarbrough moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Seffinga, Branca. Nays: none. Motion carried by 4/0 vote.

Rolling Auto Repair and Sales, renewal, 6707 Fayette Street #4, independent vehicle dealer (no auto repair) - Councilwoman Scarbrough moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Seffinga, Branca. Nays: none. Motion carried by 4/0 vote.

Sign Permit

EEE Auto Sales, Enayet Rashid, 6707 Fayette Street #3, independent vehicle dealer - Councilwoman Scarbrough moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Seffinga, Branca. Nays: none. Motion carried by 4/0 vote.

Building Permit

Deck Builders, Jarrad, 6888 Jockey Club Lane, deck - Councilman Branca moved to approve, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Seffinga, Branca. Nays: none. Motion carried by 4/0 vote.

Davis, Gibbs, 6889 Jockey Club Lane, deck - Vice Mayor Shepard moved to approve, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Seffinga, Branca. Nays: none. Motion carried by 4/0 vote.

Certificate of Appropriateness

Ryan Homes, Victoria model - Councilman Seffinga moved to approve, with ARB notations, second by Councilman Branca. Yeas: Shepard, Scarbrough, Seffinga, Branca. Nays: none. Motion carried by 4/0 vote.

Ryan Homes, Patterson model - Councilman Seffinga moved to approve, with ARB notations, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Seffinga, Branca. Nays: none. Motion carried by 4/0 vote.

Ryan Homes, Bedford model - Councilman Seffinga moved to approve, with ARB notations, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Seffinga, Branca.

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Nays: none. Motion carried by 4/0 vote.

Greenhill Crossing Fence, Section 9 - ARB recommended getting approval by 80% of the residents (property owners). Councilman Branca asked of Council has the authority to tell them they can't put it on the property. He thinks its appropriate but is it legal.

Atty Steketee states it may not be something they (ARB) should be doing. Mayor Kapp states technically Council does not approve fences. Atty Steketee says there are some things Council has authority to regulate and others should be between the homeowner's and developer.

Ms. Stutz, representative of Peterson Companies, says Ryan asked for the fence. She will note lot 42 contract purchaser does not want it. She says they will not go for a scallop top. She will go back to the ARB. Council will let HOA deal with the property owners.

Blankenship - porch with roof. Did not go to PC. Councilman Seffinga moved to pre-approve and send to PC and Building Official, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Seffinga, Branca. Nays: none. Motion carried by 4/0 vote.

Building Permit

Ryan Homes, Section 9, Lot 4, 6809 St. Paul Drive, Chandler A - Councilwoman Scarbrough moved to approve, second by Councilman Branca. Yeas: Shepard, Scarbrough, Seffinga, Branca. Nays: none. Motion carried by 4/0 vote.

Ryan Homes, Section 9, Lot 34, 6848 Jockey Club Lane, Chandler B - Councilwoman Scarbrough moved to approve, second by Councilman Branca. Yeas: Shepard, Scarbrough, Seffinga, Branca. Nays: none. Motion carried by 4/0 vote.

Ted Reuter, St. Gabriel Laboratories, 14540 John Marshall Highway, storage building - Planning Commission states it does not comply to code and ARB tabled. Tabled.

Business License

Henry Merkli, Environmental Adjustors, 15201 Washington Street - ARB sent letter to property owner, copied to Mr. Merkli. Letter stated: (1) remove material over 200 cubic yards, (2) erect concrete storage bins, (3) erect berm, (4) remove chain link fence. Mayor Kapp states they can't berm it as it is VDOT's property. The plants have improved the front of the property.

Mayor Kapp thinks #1 - 200 cubic yards is not very much material. Lonnie Milstead states he made a complaint earlier. He feels it is too late to make restrictions on the quantity of material. Councilman Seffinga states it is not the nicest looking use for the property but is looks better than before. Councilman Seffinga agrees the ARB has some good points also. Steve Merkli says fence is temporary and as soon as plant season is over it will be taken down and stored on the back of the lot. #2 - Mayor Kapp thinks that should not be considered. #3 - Councilman Seffinga noticed they dumped smaller piles of large stone up front- it should be put on the back of the lot. #4 - Chain link fence, Steve Merkli states it will come down when the leaves fall. Councilman Branca suggests in the Spring they get another security system. Mayor Kapp suggested they clean up the lot a little bit.

Councilman Seffinga moves, in reference to Silver Lake Environmental Adjustors to allow them to continue through March 1, 1999 pending them putting major mulch piles in the rear, cleaning

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up areas, remove chain link fence and see ARB to come up with a resolution, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Seffinga, Branca. Nays: none. Motion carried by 4/0 vote.

Leaberry, 15201 Washington Street, mini storage and warehouse facility, site plan and grading permit - ARB did not approve the elevations submitted as they were not colonial. Mr. Leaberry states the grinder pump will be for the mini storage but can also be used by the retail center. Mr. Leaberry is giving adjoining landowners access to the forced main. Mayor Kapp will follow through with adjoining owners.

Mr. Lowery states the Health Dept condemned the well and he is sending a letter to property owners stating they have one year to hook up to the water and sewer.

Applicant needs to mark the line for future subdivision, council needs the easement plat for water and sewer. Councilman Branca states the intent is to do the rough grading on the site, they would like approval of the site development permit for grading. Councilman Branca needs to look closer at it. Councilman Branca and Martin Tucker will get together to work out the details. They have submitted to the PWCSA. Councilman Branca wants to see the first set of comment letters.

Councilman Branca moved to approve plan for early grading contingent on town engineer approval, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Seffinga, Branca. Nays: none. Motion carried by 4/0 vote.

Guest Speaker

Phil Poland, Perrywood - Mr. Poland presented the new golf course at Rt. 15 near Evergreen. He would like a written proclamation from the town supporting their project. Project includes eighteen holes championship golf. Physical impact study shows \$10 million in 10 years revenue. The project is also designed for residential \$270-400,000 homes on 3/4 to one acre lots. They do not have zoning approval. They are working with the county for a zoning text amendment.

Annexation

Haymarket Industrial Park LLC, 6610 James Madison Hwy - request for boundary line adjustment - annexation - old Prince William Supply Co property which borders on the railroad track, Rt. 15 and up to the access to Leaberry property. The applicant will do the entire process, they are asking for the town's acceptance.

The benefits to the town are the increased tax base, no residential, Prince William Supply building is the only one there. Atty Steketee states the next step is Mike Lubely, attorney for the applicant, will take this to the County Board of Supervisors. Councilman Branca states the Code states it will come in at the lowest zoning district, down zoning the property.

Mr. Lowery asked if Mr. Leaberry is participating. Mayor Kapp states no, as Mr. Leaberry wants a sign on Rt. 15 larger than town code permits. Mr. Lowery states Eric Mays of PWC is in the process of giving over the sign responsibility to the town (for the Rt. 15 properties at the town limit).

Atty Steketee states the Council may express acceptance and if it is acceptable to the County there would be public hearings, etc. Councilwoman Scarbrough moved to accept the boundary

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line adjustment from Gene Frogale, Haymarket Industrial Park, second by Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Seffinga, Branca. Nays: none. Motion carried by 4/0 vote.

Citizen's Time

Mr. Ring asked Councilman Branca if there has been any word from US Home on the survey/drainage issue. Mr. Lowery states US Home does not intend to do anything to Mr. Ring's property.

Mrs. Bailey says she has an E-mail address for Potomac News articles. It is nbailey@usa.net.

Mrs. Bailey asked if you go before the Board of Zoning Appeals what is the fee? \$500 was the reply. Mrs. Bailey says in the county they do not charge for this service. Councilman Branca states we actually lose money at that figure. Mrs. Bailey asked why it is an expense item on the budget. Mayor Kapp states it is an income/outgo item on the budget, paid by the applicant. Councilman Branca states there should be a deterrent to skirting other avenues.

Planning Commission

Councilwoman Scarbrough has nothing additional to report.

Architectural Review Board

Tabled until Councilwoman Leonard arrives.

Historic Commission

Lafayette Day - Mrs. Turner reports her commission is preparing for the event. Mrs. Turner reports she currently has 50 reservations for the dance. The First Virginia Regiment will be here at 1:00 p.m. The Sons of the American Revolution will have a program also. The cost is \$35 per couple for dinner and dance.

Martha Carter - Mrs. Turner states the Historic Commission has suffered a great loss with the death of Mrs. Carter. Mrs. Carter was a great asset to the Commission.

Building Official

US Home - Mr. Lowery spoke with the town attorney. US Homes has requested refund of permit fees on homes they are not building. A party has bid to install dentil molding on homes requiring it. Mr. Lowery recommends US Home should not receive a refund unless they clear up all their violations. Atty Steketee feels it is reasonable to hold all the funds until all issues are remedied. Mr. Lowery would like approval to send them a letter saying we will hold money until several issues are resolved.

Sheetz, flag poles - Mr. Lowery states they are not going up as the contractor put them in Prince William County, not Haymarket, and then removed them. They will not put up the poles now.

Haymarket Industrial Park LLC - Mr. Lowery states in regard to Signature Kitchens and Noell Crane the septic has failed. They will use pump and haul and well, not to be used for potable water. Mr. Leaberry's help is a must to get this property stable. The well is inside the building with the well top being used as a desk.

Saddlery Liquidators - occupies 16,000 square feet of space for retail, should not be over 3,000 sq ft retail. They have no bathrooms. They can use Signature Kitchens bathrooms for 90 days.

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The Saddlery has three employees.

Mr. Lowery states the Industrial Park will pump and haul for thirty days per the Health Dept. Mr. Lowery will issue the letter with stipulations.

Mr. Lowery states Signature Kitchens wants the saddlery to put bathrooms in. Legally they need an occupancy permit. They can't get one without bathrooms.

The 3,000 square feet issue needs to be addressed. Atty Steketee states there is nothing in the code that permits the violation. Tabled for Atty Steketee to study.

Mr. Lowery states the Saddlery is a major fire trap. Mr. Lowery states they could get bathrooms in within 90 days.

Mayor Kapp states if it can't be resolved square footage wise there will be no option but for them to move. Mr. Lowery says the Saddlery is the only ones that heat the building and they use oil. The County states there is an oil spill there. Signature Kitchens will remove it (the oil tank) if there is a leak.

Ryan Homes, Section 9, Lot 42 - Mr. Lowery states he has stopped work on this lot as he thinks the location is improper - supposed to be 13' 7" feet from the Watts property line but is less than 11' from the line. Dewberry & Davis will come to the site. The house will be at Mr. Watt's garage and a fire wall will be required. There is a separate parcel that is in question with Watts and Peterson Companies. The contract homeowner has met with Brian Dolan and measured the property line which is wrong. Dewberry & Davis has said there was a plan change that reduced the side set back of 11' from 13'7".

New Business**Construction Permit Application form**

Councilman Branca moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Seffinga, Branca. Nays: none. Motion carried by 4/0 vote.

18th Century Haymarket - occupancy permit request

Mr. Lanny Wood requests a waiver to get an occupancy permit on the home built. Mr. Lowery states water and sewer are not hooked up and the building permit has expired. Mayor Kapp asked Mr. Lowery to tell the applicant it is not approved.

18th Century Haymarket - bond reduction and extension

Councilman Branca moved to extend the bond for 18 months and reduce the bond amount to \$160,000, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Seffinga, Branca. Nays: none. Motion carried by 4/0 vote.

Jerry Maupin vs. Haymarket Lodge, GTE, Tyler

Mr. Maupin again brought his concerns with Haymarket Lodge, GTE and the Tyler house. Mayor Kapp states Haymarket Lodge submitted the request for the parking lot and fence but it was too late for review by the ARB for this meeting.

GTE has submitted a sewer connection request. Mr. Lowery says DEQ stated the fuel spill has not been cleaned up. There can not be any paving until the fuel spill is cleaned up. They are on

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a well and Culpeper wants to test the well. This building is now going to be an office. They need to bring water from Washington Street. Mr. Maupin says the parking lot drains in his rear yard. We also need Health Dept approval of septic closure.

Mayor Kapp will call the manager in Richmond and invite him to a meeting. Councilman Branca thinks we ought to permit the sewer connection and close the drainage field.

Mr. Lowery states the Culpeper people who test all wells would like all businesses who serve the public to come off wells and go on public water. Mr. Lowery will give Mayor Kapp a copy of the Culpeper ordinance proposal.

Haymarket Lodge. Atty Jamison is to look at charitable foundation, whether it is a business use. The three tractor trailer containers were moved to Mr. Maupin's side of the property next to his back yard. Mayor Kapp to have Atty Steketee look at the code in regard to containers.

Michelle Heard asked if the Mason's have donated property to the town for a park. She is absolutely opposed to a pool next to her property. She doesn't want children and people on her property or the noise associated with a pool.

Haymarket Day

Mayor Kapp asked if council members will get off the hay wagon and sit at the viewing stand. Mayor Kapp states all dignitaries will join the Governor in the viewing area and the Color Guard will present colors. Copper Mabie will sing "The Star Spangled Banner".

Virginia Power Rate Change

The rates were worked out through VML. Atty Steketee reviewed and suggests acceptance. Atty Jamison states this has been drafted to get the best rates you can get. Councilman Seffinga moved to accept the agreement, second by Councilman Branca. Yeas: Shepard, Scarbrough, Seffinga, Branca. Nays: none. Motion carried by 4/0 vote.

Gas Franchise

Atty Steketee states the town can have Washington Gas and Columbia Gas operating at the same time. Atty Steketee states he needs a copy of the plat to show Mark McLean at Columbia Gas. Mayor Kapp will get a copy of the map. Tabled.

Trash Tipping Fee - Trash Contract

Mayor Kapp states the County adopted the \$70 per year tax on residents. The town can opt out. Council needs to decide by December whether we negotiate with the trash hauler with tipping fees or adopt the \$70 and negotiate with the trash hauler. The trash contract was distributed to Council for review.

Bicentennial

Councilwoman Leonard states reservations have been made at Evergreen Country Club for Saturday, January 9, with steamship round, Virginia ham, appetizers, a cash bar and vegetables for 100 to 150 people for \$30-40 per person.

Invitations are needed. Councilman Seffinga states he will do them if the committee will submit information. Councilwoman Leonard would like a horse drawn carriage for delivery to the door from the parking lot.

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VDOT resolution to accept streets

Councilman Branca moved to pass resolution permitting submission of more than 1/4 mile of streets to VDOT per year, second by Councilwoman Leonard. Yeas: Shepard, Scarbrough, Leonard, Seffinga, Branca. Nays: none. Motion carried by 5/0 vote.

VML Safety issues - Insurance

To be addressed in executive session.

Century Stair

Comment letter from Mr. Visgar. Plans have not been submitted.

ARB

Councilwoman Leonard states the ARB proposes to Council to reconsider the design manual verbiage. US Home and others have complained the design manual does not state colonial embellishments required. They would also like the building materials required.

PC

To look at 3,000 sq ft retail at the next meeting.

The ARB & PC liaison spoke about the need for Councilman Branca's expertise in regard to the mini storage application.

Old Bank Cafe, parking lot - Councilman Branca states they are not putting in power right now. There are not any additional issues right now.

Mrs. Bailey states with all the paving going on around town isn't there something in the Chesapeake Bay Act about impervious surfaces. Councilman Branca states the Code has a lot of coverage included.

ISTEA easements - are done. Mayor Kapp will have to take them to the property owners.

Madison Street improvements - Atty Jamison states the original plat was to be done with ROW dedication to public use. What Mr. Price submitted was not a plat but a survey of metes and bounds. Atty Steketee states it is better to not have the town hold the deeds. Mr. Price will do a plat for \$300. Also Atty Steketee and Jamison spoke with Mr. Beavers who will submit what has been done in town previously.

Atty Jamison will get easements to Mayor Kapp in the next day or two. He states in regard to the GTE easement for Costello property there have been modifications made.

Ryan Homes, Section 9, Lot 42 - lot size is not in compliance with the ordinance. The chimney to the property line is 9'.

Executive Session

Councilwoman Scarbrough moved to go into executive session pursuant to State code 2.13334.A.1 to discuss personnel and legal matters, second by Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Leonard, Seffinga, Branca. Nays: none. Motion carried by 5/0 vote.

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Councilwoman Scarbrough moved to go out of executive session and into regular session certifying only personnel and legal matters were discussed, second by Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Leonard, Seffinga, Branca. Nays: none. Motion carried by 5/0 vote.

Building Official Appointment

Councilwoman Leonard moved to continue the appointment of Jim Lowery as Building Official at the current rate for 30 days, second by Councilman Seffinga. Yeas: Shepard, Scarbrough, Leonard, Seffinga, Branca. Nays: none. Motion carried by 5/0 vote.

Town Sergeant Appointment

Councilman Seffinga moved to appoint James Roop as town sergeant at 4:00 p.m. September 21, 1998 at what the previous town sergeant was making, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Leonard, Seffinga, Branca. Nays: none. Motion carried by 5/0 roll call vote.

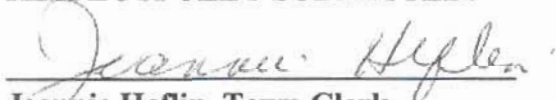
Haymarket Day harpsichordist

Councilwoman Leonard reminded Council we need to pay the harpsichordist \$150 for performing Haymarket Day.


Adjournment

With no further business to discuss the meeting was adjourned at 12:17 a.m.

RESPECTFULLY SUBMITTED:


Jeannie Heflin, Town Clerk

APPROVED:


John R. Kapp, Mayor