

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

MAYOR
John R. Kapp

ATTORNEY
John Arledge

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

Mayor Kapp opened the regular session at 7:30 p.m. Rev. David Jones led the Council in prayer.

Minutes of previous meeting

Vice Mayor Shepard moved to dispense with the reading of the minutes and approve with corrections noted, second by Commissioner Utz. Yeas: Shepard, Utz, Leonard, Mohr. Nays: None. Motion carried by 4/0 vote.

Police Report

Sgt Roop reported for October (see attached).

Curfew Ordinance - Sgt Roop would like to head off additional juvenile delinquency with the adoption of the Prince William County curfew ordinance. Councilwoman Leonard states she was involved when the county adopted the ordinance and she was under the opinion the ordinance puts a lot of responsibility on the parents. He suggests the town follow the county ordinance. It addresses daytime hours also it is basically a truancy ordinance. The county eventually let the daytime curfew drop when the county hired truancy officers.

Councilwoman Leonard states her concern is if someone was on the sidewalk in the townhouses you are considered in public. The County ordinance, item G, states children with parents are exempt from this ordinance. Ordinance would affect 11:00 p.m. to 5:00 a.m. Monday thru Thursday and midnight to 5:00 a.m. Friday, Saturday & Sunday. Council directed to schedule a public hearing for December 6 at 7:00 p.m.

Treasurers Report

General fund checking account beginning balance \$90,047.72, \$36,495.57 expenses for October, \$19,217.05 deposits for October, ending balance \$72,769.20.

Unpaid Bills

Council directed to pay McGuire, Woods, Battle & Boothe \$2,500. Vice Mayor Shepard moved to pay, second by Councilman Mohr. Yeas: Shepard, Utz, Leonard, Mohr. Nays: None. Motion carried by 4/0 vote.

Utility Tax Rebate

PW's Eatery & Dessert Shoppe applied for a rebate from Virginia Power for July, 1998 thru August, 1999 in the amount of \$1,041.60. Councilwoman Leonard moved to rebate, second by

Councilman Utz. Yeas: Shepard, Utz, Leonard, Mohr. Nays: None. Motion carried by 4/0 vote.

Century Stair applied for a rebate from Virginia Power from June, 1997 to September, 1999 for a total of \$10,134.98 less the \$2,800 = \$7,334.98 total rebate requested. Councilwoman Leonard moved to approve contingent on the Town Clerk getting confirmation from Virginia Power that we actually received all the tax requested to be refunded (we adopted the ordinance March 7, 1997 with a 120 day time period for the utilities to begin paying us), second by Vice Mayor Shepard. Yeas: Shepard, Utz, Leonard, Mohr. Nays: None. Motion carried by 4/0 vote.

Business License

AppDeploy.com, 6812 St. Paul Drive, home business, Internet based software - Vice Mayor Shepard moved to approve, second by Councilman Mohr. Yeas: Shepard, Utz, Leonard, Mohr. Nays: None. Motion carried by 4/0 vote.

Construction Permit

Middleton, 14817 Rising Sun Lane, deck - PC approved. Councilwoman Leonard moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Utz, Leonard, Mohr. Nays: None. Motion carried by 4/0 vote.

Certificate of Occupancy

14890 Washington Street, TOPS, LC, parking lot pavement - The Town Council rescinded the decision on the parking lot paving. Mayor Kapp states (the applicant) wants to change the parking lot to enter off Washington street and access through the adjoining property on corner of Washington St & Hunting Path Rd. and exit on Hunting Path Road, the Building Official recommended approval and the applicant agreed to submit a site plan in two years.

Councilman Utz states he raised the issue as the price was quoted at \$2300 to pave the parking lot. Mrs. Contrucci states it is actually \$2,950. Councilman Utz asked Mrs. Contrucci to restate the waiver issue. Mrs. Contrucci states a two year waiver will allow them to submit a full site plan for an addition on the rear of the property and take into consideration the adjacent parking lot to incorporate them together. They need two years income history in order to get a loan to do the addition. Mayor Kapp states the applicant agreed to submit a site plan in two years.

Councilman Utz says it is his goal to look at things fairly and squarely. He commends Mrs. Contrucci for the good job in renovating the property. His concern is the ordinance now says the parking lot is required to be paved due to the change of use. Mrs. Contrucci says she is committed to pave it. Councilman Mohr states in the past waivers have been granted but this council is committed to enforcing the ordinance. Mrs. Contrucci says the ordinance gives the council the option for leniency in this article. Mayor Kapp asked Atty Arledge if the code permits a waiver. Atty Arledge says it is not permitted in the zoning ordinance. Atty Arledge does not see that as discretionary. Mayor Kapp says under site plan page 757 they have twelve months after the approved final site plan. Councilwoman Leonard asked what is final site plan. Councilman Mohr states we do not have final a site plan, it was preliminary. Page 715(10) under site plan there is discretionary from preliminary site plan to final, page 753 site plan requirement. Mayor Kapp clarifies it is a change of use. Atty Arledge states you can't permit a waiver in the zoning ordinance, Council does not have the authority to change it.

Councilwoman Leonard states she thinks the waivers were granted prior to the ordinance date (1983). Councilman Mohr says thirty to sixty days from final site plan you have twelve months to pave. Atty Arledge states with the change from residential to business use it comes under the ordinance requirements. Mrs. Contrucci commends the town to be strict with the ordinance as long as they are consistent.

Town Hall Museum

Presentation by Dalgiesh, Eichman, Gilpin & Paxton, P.C., Charlottesville, founded in 1930's, mainly historic preservation - Mr. Gilpin states his firm does planning for restoration of historic buildings. He submitted a proposal for \$28,000, he recommends to work on an hourly basis at \$135 per hour for his services. Mr. Gilpin would provide donor packets for a fund raising program. He would look to restore to the school house character. Councilwoman Leonard states the building was originally a school and a town hall. She would rather see the town meeting hall be the focus. Councilman Utz asked about how they proceed when they start a project, i.e., walls, ceiling, lighting. Mr. Gilpin states he will need to know from Council what elements will be displayed so the facility does not overpower the exhibits or the exhibits overpower the facility.

Ms. Crafton-Masterson, Historical Commission Chairman, asked about receiving the donor packets up front. Mr. Gilpin states that could be done.

Mr. Gilpin states he is the president of the Preservation Alliance of Virginia, currently there are 40,000 members.

Citizen's Time

Street Lights - Heather Bonney submitted photos of the acorn light and carriage light from Virginia Power. Mayor Kapp recommended the newsletter going to HOA community ask for input. Mrs. Bonney states there is no budget for a newsletter at this time. Mrs. Bonney states the acorn lights do not represent the colonial style. Councilwoman Leonard states at the time the decision was made the acorn lights were at the St. Gabriel's Executive Park (across street from Greenhill Crossing entrance) and were (resolved by council) to be continued.

Commissioner Jasionowski says the question is whether the town will take over the expense of the lights and the other issue is the light style, the acorn at \$33 each per month, the colonial style at \$8 per month. Mrs. Bonney states the county will pay for the colonial style lamps in Greenhill crossing on the county side. Further she states First Virginia Bank has the colonial style lights and when the town constructs the street scape they have the opportunity to continue with the colonial lights already in place at First Virginia Bank. Virginia Power stated the cost sharing revenue has almost paid for the existing lights.

Mayor Kapp clarifies that \$33 rate is if Virginia Power buys the lights, installs the lights, plus the power usage. Mayor Kapp says we are buying the lights ourselves and we get a lower monthly fee as a municipality.

Ed Wheeler, Greenhill HOA, submitted a request to the town on behalf of Greenhill Crossing HOA for the town to pay for all the street lights on the town side in Greenhill. The lights are not going to be removed. The unofficial survey results were one resident said they don't want the

light that is existing and one resident on St. Paul Drive stated they don't want a street light installed near their property. The Town Clerk was directed to write a letter to Virginia Power to have the town take over the billing for town street lights in Greenhill Crossing.

Councilman Utz states he thinks the lights should stay on as they are a benefit to the community. He would like to hear from more people in the community what their desire is. Councilman Mohr states you can lower the lumens in the existing lights at a cost.

Mrs. Bonney states 19 people responded to the (unofficial) survey, one half said no, one half said yes and one said lower the lumens. Mr. Wheeler said there were two names on the survey listed (as the person to contact) with responses who said she did not authorize her name to be used.

Councilman Utz moved for the town to pay the bill effective with the current billing cycle at the municipal rate of \$17 each, 7 lights in section 2, 4 in section 9, second by Councilwoman Leonard. Councilman Utz amended the motion to lights only in town at the municipality rate, second by Councilwoman Leonard. Yeas: Shepard, Utz, Leonard, Mohr. Nays: None. Motion carried by 4/0 vote.

Councilwoman Leonard asked if the town can ask Virginia Power to give the town rate (to the HOA) for the acorn lights in Greenhill Crossing that are not in the town. Mayor Kapp states Michael Clark of PWC public works street light dept, is asking the County Attorney if the town can be a pass through for Greenhill HOA and to determine if public works will pay for the towns street lights that are the cobra style since the county pays for the street lights in Dumfries, Occoquan and Quantico.

Planning Commission

Commissioner Jasionowski reports the PC did not take any action on the sign ordinance as the council requested.

Architectural Review Board

Ryan Homes, 18th Century Haymarket - Councilwoman Leonard sates before us now is the application to build on lots at 18th Century Haymarket across from St. Paul's church. Ryan Homes and Mr. Bolt are sensitive to our desire for more colonial look in this historic end of town. Councilwoman Leonard says the architect (Mr. Gilpin) stressed tonight that new construction be in design compatible and it is extremely important that the new design guidelines are adopted. Commissioner Jasionowski reiterated the importance of the proper design. The ARB scheduled a work session for November 16 at 7:00 p.m.

Mayor Kapp said Mr. Bolt and Mr. Pressman, Ryan Homes, had no recommendation for the ARB's specific desires. Councilwoman Leonard states there was not one single true colonial elevation in the plan which was evident at a glance. Commissioner Jasionowski says the plans were not consistent with the initial plan. The new plan has front load garage not the rear garage originally approved. Mr. Foley made suggestions. Councilwoman Leonard said there is no way to change the look of the plans they submitted. Councilwoman Leonard says if the town can amend the zoning for just that property to reduce the set backs, it would be helpful. Atty Arledge says you can create a new district for just that project.

Mayor Kapp states he doesn't think Ryan will create a new house plan for a 16 lot subdivision. Mayor Kapp states Ryan said they will put the brick arches on Palladian windows to compliment the original St. Paul's Church.

Mr. Lowery says Council approved the 18th Century Haymarket house that is there now, which is a pre-approval for sixteen houses just like that. Councilwoman Leonard says she told Ryan the ARB likes the house that is there.

Board of Zoning Appeals

Mayor Kapp states Robert Stalker moved out of town, we need three names to nominate for the vacant seat.

Councilwoman Leonard states Carolyn Hopkins has expressed interest in serving. Mayor Kapp asked for nominations by Monday.

Historical Commission

Chairman Masterson reported at the October meeting, 10/31, at the Keep Virginia Beautiful luncheon we received a plaque for beautification. Mrs. Allen handed her the plaque with congratulations (see report).

Historical Commission fund raiser - Roslyn Langlois will perform for the commission at a fund raiser possibly around Valentine's Day.

Caboose repainting - the commission requests money or labor to complete the job.

Guidelines(Procedures) - they are working on the by laws then will submit the guidelines.

Ryan Homes. 18th Century Haymarket - the commission resolved that the land at 18th Century Haymarket is historic and the houses shall be constructed to represent the historic nature of the land. Mrs. Masterson states with 36 years commercial real estate experience she knows that property is the most important in all the town. She asks for strong support of their resolution. This is a major project and requires serious consideration. Mayor Kapp asked Councilwoman Leonard if the ARB would like to have Mrs. Masterson present at the work session November 16. Yes, was the reply.

Councilwoman Leonard moved to adopt the Town of Haymarket Historical Commission resolution presented by Historical Commission Chairman that the Historical Commission states the following: "The Haymarket Historical Commission hereby states that the land comprising 18th Century Haymarket, located on Fayette and Jefferson Streets, is historic land and the houses to be constructed thereon shall represent the historic nature of the land. We recommend: 1) further study of the land itself from an historic viewpoint; and 2) a meeting with the Owner and the Developer to discuss the overall concept now being presented to us for approval." second by Vice Mayor Shepard. Yeas: Leonard, Shepard, Mohr, Utz. Nays: None. Motion carried by 4/0 vote.

Caboose - Councilman Mohr asked if the town will put any money toward the finishing of the caboose. Councilwoman Leonard moved to give \$250 to finish painting the caboose and if more

is needed the commission will come back, second by Vice Mayor Shepard. Yeas: Shepard, Utz, Leonard, Mohr. Nays: None. Motion carried by 4/0 vote.

Building Official

18th Century Haymarket/Bolt property on Bleight Drive - Mr. Lowery states Ryan is sold out of lots in Greenhill. He states two developers dealing with Bleight Drive property called him. He states the Bleight Drive property secures the bond for the 18th Century project, 18th Century bond has expired. Mr. Bolt can legally sell the property since the bond is not recorded. The VDOT bond expired and will not be renewed.

Property Maintenance section of Building Code - Mr. Lowery asked council to approve the property maintenance code so he can help Sgt Roop get the inoperable vehicles (35 on Durham property) out and the railroad is concerned about battery acid on the track.

Councilman Utz asked if the general property maintenance code is to clean up property. He feels it is important to get these issues addressed. Mr. Lowery states it would only be on complaints. Section 9-52 (property standards ordinance) Atty Arledge states the town code permits the Mayor to enforce this.

Councilman Utz is to have Sgt Roop give the Mayor the list of infractions and he will take care of them. Mayor Kapp will hand deliver notices of violation.

Councilman Mohr moved to adopt VUSBC and all codes of reference, BOCA codes with property maintenance, second by Councilman Utz. Yeas: Shepard, Mohr, Utz. Nays: None. Abstain: Leonard. Motion carried by 3/0 vote. Councilwoman Leonard asks if that allows the building official to go into every property and force maintenance. Mayor Kapp asked if Mr. Lowery has the authority to go into every building for life safety issues. Mr. Lowery can do that now under the code. Mr. Lowery will talk to folks about health and safety issues at the owner's request. He went to Century Stair at the owners request to look for problems. Councilwoman Leonard states she is concerned about historic properties.

Councilman Utz clarifies we are purchasing a historic building, do we have to bring it up to new standards. If the structure is on the historic register it comes under the historic section. If you deface a historic structure it must come up to safety standards, modifications can be granted.

Councilman Mohr states the Historic Commission is in the process of getting the historic structures registered.

Mr. Lowery states if you take the Red Rooster (building) even without a registry it comes under the modifications. Mr. Lowery says Councilwoman Leonard's concern is all personal. Councilwoman Leonard says she has heard complaints from property owners that he comes in and brings his people in.

Trash on Paxton Property - Mayor Kapp asked Mr. Lowery to write an article for the newsletter regarding trash being dumped on the Paxton property by Longstreet Commons residents.

Cross Connection - Council to review for next meeting.

Certificate of Occupancy, business license - tabled.

Town Hall Museum

Mayor Kapp scheduled a meeting with the Historical Commission, Architectural Review Board, Planning Commission and Council to discuss the museum on Tuesday, December 7, 1999 at 7:00 p.m.

Haymarket Day

Moon Bounce - Ruritans don't want to pay for the children's rides. The balance is \$135. Mayor Kapp will speak to this in executive session.

ISTEA Phase I grant

Mayor Kapp states the last easement has been granted. VDOT is preparing for submission to VDOT in Richmond for approval. We should start construction March 1.

This project has escalated to \$849,000. Mayor Kapp spoke to Richmond and supplemental funding is a possibility. BDE says it would be easy to prepare (for submission for additional grant.) Mayor Kapp feels we should prepare this years grant for additional funding for Phase I instead of Phase II. Councilman Mohr says lots of funds are available at state VDOT. Mayor Kapp says he asked Bob Cassada (VDOT Richmond) about that but they are not enhancement funding.

Councilman Utz moved to apply for supplemental funding for TEA 21, Phase I, second by Councilwoman Leonard. Yeas: Leonard, Shepard, Mohr, Utz. Nays: None. Motion carried by 4/0 vote.

Gossom Property

Mayor Kapp states Gossom property will settle after January 1 for tax purposes for Mr. Gossom. Mayor Kapp asks for a work crew committee from council.

Greenhill Crossing Section 2 bond reduction request

Mayor Kapp asked Ms. Stutz about the proffer/bond for brick sidewalks on Washington Street (in front of section 8.) Ms. Stutz will check with Amy for Section 8 escrow for street scape. Tabled to December 6.

Internet - Web Site

Councilman Mohr states it is just about ready. He states we're stuck on the name. Once the name has been chosen it is a go. Tabled.

Municipal Code - tabled.

Van Horn Memorial Park

Ms. Stutz states Mr. Darley, Haymarket Mason's Charitable Lodge, has five alternatives for the Melton property. He is still looking for word from the town with our preference. The five alternatives are (1) Lutheran battered women, (2) Lutheran refugees services, (3) Coalition Against Hunger, (4) Glory Happy Hats, (5) YIELD (town youth program.) Ms. Stutz states the Jefferson Street homeowner's are opposed to YIELD due to volunteer staff, late hours, kids hang

around.

Councilwoman Leonard states this plan was originally to meet the youth need for the town of Haymarket. Councilwoman Leonard would like to think about it more. Town Clerk to send a letter to Mr. Darley saying the town adopted the YIELD program (and recommends it be approved by the Mason's.)

Mayor Kapp asked Ms. Stutz what the people on Jefferson Street want. Ms. Stutz states Mr. Darley is not happy with any of the proposals, they are looking for more proposals.

Councilman Mohr states the Mason's said the town would not assume liability for the property. Council does not know where this information came from.

Madison Street Improvements

Meets and bounds for Madison Street improvement is required for Chio property. Atty Jamison was to have metes and bounds. Mr. Price was supposed to have given to Atty Jamison.

Storm Drain - tabled.

Christmas Party

Council needs to approve money for meat. Councilwoman Leonard will do a cold ham if Council will do a whole honey baked ham. Vice Mayor Shepard moved to approve \$300 in expenses for the party, second by Councilman Mohr. Yeas: Leonard, Shepard, Mohr, Utz. Nays: None. Motion carried by 4/0 vote.

Virginia Economic Development - Wednesday, December 8th, \$40 registration, Councilman Mohr would like approval and funds to attend. Councilman Utz moved to approve registration and travel expense, second by Vice Mayor Shepard. Yeas: Leonard, Shepard, Mohr, Utz. Nays: None. Motion carried by 4/0 vote:

Resignation

Councilman Price submitted his resignation effective November 8.

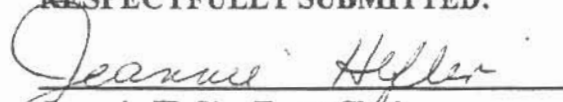
Nominations

Mayor Kapp asked Council to come in December 6 with nominations for Planning Commission. We are in need of a professional engineer. The Town Clerk is to put a notice in the newsletter we are looking for members.

Adjournment

With no further business meeting adjourned at 11:15 p.m.

RESPECTFULLY SUBMITTED:


Jeannie Heflin, Town Clerk

APPROVED:


John R. Kapp, Mayor

STATS FOR OCTOBER-99

MILEAGE	2922
GAS	281.31
PRICE	\$361.55
W. TICKETS	63
P. TICKETS	0
UTS	72
CRIM FEL.	3
CRIM. MISD.	10
REPORTS	12
COMPS	122
FR-300	1
HOURS	495

ASSISTED PWC - 7 CALLS + USF w/ 2

6 RD TICKETS

1 DR. SUSP

2 DUI

1 DIP

3 MISS ARREST - ALL FOR POSS OF MARIJ.

1 POSS OF COCAINE

2 POSS OF DRUG PARAP.

1 FORGE + UTTER CHARGE

1 FUGITIVE FROM JUSTICE - FRAUD OUT OF FAUQ. CO.

1 LOST CHILD - FOUND

1 DOMESTIC

2 PROTECTIVE ORDERS SERVED.

M E M O R A N D U M

To: Hymarket Town Council

From: Chairman, Haymarket Historical Commission

Subject: October 30, 1999 - 2nd meeting conducted by new Chairman

ACM

Date: November 8, 1999

Your Honor, Mayor Kapp and Haymarket Town Council Members:

Your Historical Commission met for over two hours on Saturday, October 30th. A copy of the Agenda is in your packet, as is a copy of my monthly report to the Commission.

Major Results from that meeting:

1) Action on revision of the Commission's Internal By-Laws was deferred for a full work-up session this coming Wednesday evening.

2) The Historic Tour, primarily to acquaint our newer members with the Historic Overlay District and the historic nature of the Town itself, will be held this coming Saturday morning led by our Historian, Sara Turner. Later on, if this Tour seems appropriate for tourists and others moving into the area, we may seek your approval to make it a regular town event. It is becoming increasingly obvious to me that the very important historic events which took place in and around Haymarket, both in the Colonial period and in the Civil War era have too little been noted by those who seek to *make change for change sake without due* recognition of the Historic "Treasure" we have here in Haymarket.

3. Fund-Raising for the Town: - The Classical Piano Concert by Rosalyn Langlois will more likely occur around Valentine's Day or in early Spring. We are exploring that more fully at this time. We also want to work with the Bluemont people, as has been suggested by our Liaison Councilman Doug Mohr.

4. Caboose Repainting: - We are grateful for the "sweat equity" of Doug Mohr and other Commission members, and we are now anxious to complete the work. We have a

small Treasury at present which we would like to use for that purpose, if no "professional volunteers" show up soon. If the Council has any suggestions in this regard, we'd be grateful. Otherwise, we shall continue to seek prices from townspeople who have previously worked on the Caboose and have indicated an interest in doing the work.

5. Guidelines: When the Bylaws have been completed, hopefully in the next week or so, we shall move on to the Guidelines you requested at your last meeting. Suffice it to say here, we are highly conscious as a Commission of our responsibility to you to protect the integrity of the "Historic Overlay District" and more specifically to fulfill our duty to "preserve, protect and identify local historic sites" - namely the entire Town of Haymarket, and we appreciate the fact that we are a vital part of Prince William County which has moved ahead dramatically in the past few years to protect its vast cultural resources. I submit that the Town of Haymarket is a very significant such resource, especially now when it is at the apex of new upscale development, the likes of which is only just beginning to surface just outside the Town limits.

6. Plans: The Commission gave consideration to the architectural drawings submitted by Ryan Homes for 18th Century Haymarket, and unanimously adopted the following resolution for your consideration and action:

"The Haymarket Historical Commission hereby states that the land comprising 18th Century Haymarket, located on Fayette and Jefferson Streets, is historic land and the houses to be constructed thereon shall represent the historic nature of the land. We recommend: 1) further study of the land itself from an historic viewpoint; and 2) a meeting with the Owner and the Developer to discuss the overall concept now being presented to us for approval."

This concludes my report. Thank you for your attention.