

TOWN OF HAYMARKET, VIRGINIA

Chartered 1799

County of Prince William

HAYMARKET TOWN COUNCILDecember 1, 1997**MAYOR****John R. Kapp****ATTORNEY****Peter Steketee****COUNCIL****James Shepard, Vice Mayor (absent)****Mary Lou Scarbrough****Dottie Leonard****Bob Seffinga****Mark Branca****Richard Bird (absent)**

Mayor Kapp opened the regular meeting at 7:35 p.m.

Minutes

Councilwoman Scarbrough moved to dispense with the reading of the minutes and approve with any changes, second by Councilwoman Leonard. Motion carried by unanimous vote.

Police Report

Sgt Bockey reports 42 traffic citations, 3 criminal arrests, 25 calls answered. Officer Roop is to finish in service training December 8-12.

Digest of Certain Acts - Sgt Bockey reports Atty. Jamison suggests they meet and discuss the criminal code.

General Orders - are complete

Retirement Plan - still getting information and will turn it over to the Police Liaison

K-9

Sgt Bockey would like to bring in a dog at the January meeting (7 p.m.) to demonstrate drug and attack procedures. Prince William County had a situation recently when a K-9 was needed for a drug bust. PWC does not have a K-9.

Boy Scouts - are coming in for a demonstration of equipment. Officer Roop will demonstrate for the group.

Town citations - Sgt Bockey asks the town council to revise the town citations form, i.e., the address is incorrect, increase fines from \$25 to \$35 and increase handicap parking fine from \$50 to \$100. Mayor Kapp states he thinks all the Police Dept needs to do is make a recommendation and as long as the ordinance has provision for the increase it may be approved. Atty Steketee states the ordinance allows these increases.

Councilman Branca moved to increase town traffic citation fines from \$25 to \$35 and the handicap parking violation from \$50 to \$100 and give authority to purchase new citation forms with these fines, second Councilwoman Scarbrough. Motion carried by unanimous vote.

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Treasurers' Report

The treasurer reports a beginning balance of \$47,039.14 in the general fund checking account at First Virginia Bank with November expenses of \$28,716.62 and deposits of \$40,641.98. November 30 balance is \$58,964.50.

Unpaid Bills

Councilman Seffinga moved to approve and pay, second by Councilwoman Leonard. Motion carried by roll call vote 3/0 with one abstain (Branca).

Business License

Cramer's Hauling Service - 6721 Madison Street - Atty Steketeer states the charter provides approval - as per our general law - home occupancy use by right specifically defined as occupation by occupant of dwelling. If outside employees is a violation the town council can properly deny the license. Atty Steketeer states this violation could be discussed with the applicant. Mayor Kapp will talk with them.

Tammy L. Chastine, home occupation, child care - 6954 Jockey Club Lane - Councilwoman Leonard moved to approve, second by Councilwoman Scarbrough. Motion carried by unanimous vote.

Rolling Auto Repair and Sales - 6707 Fayette Street #4 - Councilwoman Scarbrough moved to approve, second by Councilwoman Leonard. Motion carried by unanimous vote.

Sign Permit

Rolling Auto Repair and Sales - 6707 Fayette Street #4 - Councilwoman Leonard moved to approve, providing it meets the standard pre-approved sign authorized under the code, second by Councilwoman Scarbrough. Motion carried by unanimous vote.

Mayor Kapp states Alan Gossom found the approved sign (for independent vehicle dealers) and is getting a bid on the signs.

Sandra Bolt, land for sale, Bleight Drive facing Washington Street - Councilwoman Leonard moved to send to PC and ARB pre-approved providing it meets the guidelines, second by Councilwoman Scarbrough. Councilman Seffinga states site plan and drawing (specifics) are needed. Town Clerk to contact applicant and ask them to appear before the PC and ARB. Motion carried by unanimous vote.

Building Permit

Hay Market Lodge, 6735 Jefferson Street, renovation of barn/shed for office use - 200 amp service to be installed, interior renovations of workshop/garage/storage building. Councilman Branca asked what the exterior of the building is like. Councilwoman Leonard states windows must come before the ARB. Councilwoman Leonard moved to send to the ARB and BO pre-approved second by Councilman Branca. Motion carried by unanimous vote.

Ryan Homes, Sect 9, Lot 18, 14929 Greenhill Crossing Dr., Yardley B - Councilwoman Leonard moved to send to PC & BO pre-approved, second by Councilwoman Scarbrough. Motion carried by unanimous vote.

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Ryan Homes, Sect 9, Lot 19, 14939 Greenhill Crossing Dr., Chandler C - Councilwoman Leonard moved to pre-approve and send to PC & BO, second by Councilwoman Scarbrough. Motion carried by unanimous vote.

Ryan Homes, Sect 9, Lot 20, 6853 St. Paul Drive, Windsor D - Councilwoman Leonard moved to pre-approve and send to PC & BO, second by Councilwoman Scarbrough. Councilwoman Leonard wants the builder to be sure they include dentil molding, carriage lights and colonial lintels. Motion carried by unanimous vote.

Site Plan Review

Annandale Millwork, 6612 James Madison Highway, zoned I-1 Gene Frogale, applicant - request for a boundary line adjustment. Property is presently in three parcels. Applicant wants it to remain in three parcels but move existing line down between the two buildings. Councilman Branca moved to pre-approve the boundary line adjustment plat contingent on approval of subdivision accompanying by the town attorney and sending to PC, second by Councilwoman Leonard. Motion carried by unanimous vote.

Citizen's Time

Mr. Bear spoke to Council in regard to December 7, 1941 and where he was and how it was to be present during the bombing of Pearl Harbor and the rationing that followed for the next year.

Mrs. Bailey states she is adopting another family for Christmas. Anyone can call her for information. She thanked folks who helped with the turkey baskets stating they were well received.

Mr. Ring asked about set backs in Greenhill Crossing. US Home said they will write him about what they will do (lot 27) - did they submit anything to the town? No - Bill Bush called and said they have not purchased the land yet for the lot line adjustment. He asks if the town can do anything to make US Home address these issues? The town attorney said last month we can only uphold the building codes.

Mr. Ring asked if the town council can stop issuing building permits or occupancy permits. Atty says if there is a violation yes, but the town can not deny application or take steps to compromise their ability to build.

Councilman Branca states this house was constructed in violation of the set back - lender did not pick it up - occupancy permit has already been issued. The violation can be pursued. Councilman Branca asked the attorney if the town goes to enforcement do we direct it to the owner of the property? Yes, was the attorneys answer. The town can not pursue on behalf of the owner. Mayor Kapp says there are 25 houses with no waterproof inspection and 2 lack structural beam.

Mr. Ring would like a response from the town to the builder. Atty Steketee states when the town undertakes inspections it is under the compliance of state code, not to the owner. The town is not a guarantor of appropriate construction. Mayor Kapp asked if he (the council) could call US Home to try to mitigate answers. Atty Steketee states the town should be more careful in plan review in the future.

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Mayor Kapp stated the PC has discussed the requirement of a house location survey before the occupancy permit is issued.

Mayor Kapp states the site plan showed the set back complied but the house was not built to the approved plan.

Atty Steketee states if US Home can not open that house to residential use that is their problem. If they can not allieviate the issues they may have to tear it down and rebuild. Atty Steketee states each individual may speak to independent counsel and that if the issues warrant they can pursue legally. Further, the town can carefully look at what the builder presents and take their time with a careful check. Council may want to go out and look at the project personally.

Councilwoman Leonard states she realizes the difficulty the owners are having. The headlines in the newspapers have hurt the owners saying all the houses are bad.

Mrs. Bonney wants to know if we can penalize US Homes for missing the deadline of December 1. Mr. Lowery states the exterior testing of waterproofing - the manufacturer is refusing that US Home do the test, the manufacturer has to do the test - manufacturer has to schedule the testing and if the product is there they will give a certificate by the installer. Originally we asked for all 25 houses to be tested. Mayor Kapp will reiterate the need for all 25 houses to be tested.

Mayor Kapp asked Atty Steketee if the town council can require the house location survey for occupancy permit. Atty states it should be part of the policy.

Councilman Branca asked how is council going to schedule someone to look at the survey before settlement? Atty states most lenders require a house location survey to confirm there is a value to the property. Atty suggests their office come up with procedure for the January meeting.

Councilman Branca states the attorney says we can do any persuasion to get the issues resolved, the town can only move forward with a zoning violation to the homeowner. We don't want to put pressure on the homeowners.

Mr. Ring asked if the council wants to see a law suit from the homeowners and what that will do to the town image.

Councilman Branca states Mr. Ring is to sign the document for a boundary line adjustment on his property (lot 27).

Insurance Upgrade

David Smith, VML insurance program, presented their company to the council stating these are insurance pools, not an insurance company. There are no profits - excess is returned to members in dividends. Dividends can be taken as a credit to the next premium.

Workers comp, Mr. Smith states errors and omissions for the building official personally (or his employees) will not be covered under their policy.

HAYMARKET TOWN COUNCIL December 1, 1997**Planning Commission**

Councilman Branca states there is nothing to report.

Architectural Review Board**Landscape Ordinance**

Councilwoman Leonard states the ARB had an extra meeting to work on the landscape ordinance. ARB recommended approval by council and will continue reviewing and make changes before the public hearing. ARB expects by Wednesday, December 3 they would be finished reviewing. Mayor Kapp would like the revised and final version by January meeting to schedule the public hearing for February.

Councilman Seffinga asked about the 10% bond - what is the purpose, for what use?

Signs in violation

Councilwoman Leonard states a number of situations of tacky signs being put up. The town clerk mailed out violation notices. Atty Steketee suggests it is a zoning violation - a notice with time to comply, if there is not compliance follow with a civil injunction with order to comply or a criminal action - the later is quicker.

Councilwoman Leonard asked who directs the action. The town council.

Signs in violation: one tacked on tree for Class Act Design at Washington & Madison Streets, Pam's Beauty & Barber and Sometimes New temporary hand made signs. The building official is to notify them to remove or we will remove them.

Architecturals in Greenhill Crossing - the Mayor would like ARB, the builders and himself to meet to look at Greenhill Crossing architecturals.

Mr. Lowery states US Homes plans may not be the ones submitted for approval as he hasn't seen the dentil molding on them. Councilwoman Leonard states the dentil molding was required whether or not is was shown on the building plans.

Historical Commission

Mrs. Turner was not present. No report was given.

Building Official

Paxton Property - Mr. Lowery states the Paxton property has not yet been inspected due to weather conditions.

ISO - being written.

US Home - working diligently doing everything Jim can ask. On the waterproofing they are waiting for manufacturer input.

In regard to meetings with homeowners Mr. Lowery wants to know if council will approve a \$50 per week additional administration fee to cover meetings. He is spending a tremendous amount of time meeting with the homeowners going over their problems. He will also do all the book work to alleviate the town clerk from doing the paper work. He will correlate inspection time

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with final, write permits, detail of posting fees to inspections logs and permits. She will only have to collect the fees.

He would like to raise administration fee from \$50 to \$100 per week. Councilman Branca asked if Jim will do all the book work involved with the permit process. Yes, Jim stated. Councilman Branca states when Jim was hired we did not expect to remain at the hourly compensation but would come up with a fee to him with the new fee schedule. He states the difference in the building official is billing twice a month rather than monthly. Mr. Lowery states he wants twice monthly billing.

Councilman Seffinga moved to increase the Building Official administrative fee from \$50 a week to \$100 a week pending further consideration, second by Councilwoman Scarbrough. Motion carried by unanimous roll call vote.

Occupancy Permit - Mr. Lowery states each business license should have an occupancy permit with it, i.e., churches have to have a fire Marshall inspection. The building official has to inspect first for building load and every building is inspected by the fire Marshall at some time. It would be helpful if the ordinance for business license stated "pending occupancy permit" - not home occupation - for commercial business facilities. All other townships require this inspection, states Mr. Lowery. Councilwoman Leonard would like to see it stay the way it is. Mr. Lowery would like council to look at other ordinances. Mayor Kapp asked if the code requires it. Councilman Seffinga would like to see things in this town come into compliance.

Mr. Lowery quoted Dr. Weaver who asked why he has to comply with the fire code and not everyone else.

Councilwoman Scarbrough would like to assure the residents and businesses of safety factors.

Mayor Kapp will speak with Ms. Via about the zoning code review and address this issue under that. Mr. Lowery states it is a building code issue - that is where the occupancy permit comes from. Councilwoman Leonard hears from the business community they are tired of the town making them do more.

OLD BUSINESS

Bicentennial kick off - Councilwoman Leonard says the horses are coming. The garden club worked on decorations and got two molds from Williamsburg. Someone from Manassas is going to make them for \$12 each (crescents) and two half moons at \$20 each. She does not have *enough people making snickerdoodle cookies*. Nancy Bailey and Councilwoman Scarbrough offered to make some. Councilwoman Leonard states she ordered a big cake and two hams. Councilman Seffinga is providing a turkey, Mayor Kapp is providing two cobblers, Roz Duckett is providing corn pudding and the town clerk is providing two large vegetable wreaths. Councilwoman Scarbrough suggested the town may reimburse some of the expense for the vegetable wreaths if the town clerk would like. The town clerk will let council know the expense incurred. Councilwoman Leonard is providing the rolls. She states they will start decorating in the middle of the week.

The tree lights are being rescheduled to this Sunday. They need a tall ladder. Mrs. Bailey will call Northern Virginia Electric Coop for a cherry picker to string the lights on Sunday.

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Cavalier Tree Service said they would clear and trim all the forsythia for \$275.

Councilwoman Leonard will call David Mabie for the program for the party. Distribution of the flyers - Susan Edwards and Debbie Seffinga offered to help.

ISTEA Phase II grant

Councilwoman Leonard moved to accept the proposal, by BDE, not to exceed \$2900, second by Councilman Branca. Motion carried by unanimous roll call vote.

Trash Contract

Councilman Seffinga moved to amend contract to \$10 a month per residential pick up based on number of households on the 10th of each month to be paid before the last day of the month, second by Councilwoman Scarbrough. Motion carried by unanimous roll call vote.

Councilwoman Leonard moved to reimburse Bean's Trash Service from July 1 to present for additional residential pick ups at \$10 per month, second by Councilwoman Scarbrough. Motion carried by unanimous roll call vote.

Street Scape Ordinance

Mayor Kapp asked Councilman Seffinga if the \$150 price to copy the street scape rendering is reasonable. Councilman Seffinga states it is reasonable. Mayor Kapp asked Councilwoman Leonard to request Mr. Foley get the copy by this Sunday (for the kick off) or bring the original drawing to the Christmas party.

Website

nothing new.

Spring Festival

Mayor Kapp states after the bicentennial kick off they will redo the flyer.

Insurance Upgrade - tabled

Mayor Kapp states two proposals are in. The policy comes up for renewal February 7. Mayor Kapp would like to table. He states he met with Hutton & Payne today. Atty Steketee advises not to neglect the VaRisk2 policy. Council needs to keep that up.

Mr. Lowery states the Building Official needs to be a town employee. Councilman Branca is concerned about his employees working under him. Atty Steketee says this is a legitimate concern Mark has. He states Mr. Lowery also is probably correct that the building official should be an employee. The state code requires the town to have a building official.

Floor restoration

Councilman Seffinga is concerned with the plate. Mr. Lowery states there is not a plate per se. Councilman Seffinga is concerned the Greco proposal has not put in a contingency about cost of extra work. Councilman Branca sees there could be some additional work. Greco looks all inclusive - dirt movement could not be clearly spelled out or electric work under the floor. Councilman Branca asked if we will be covered under ADA compliance with the bathroom. Mr. Lowery responded yes.

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Councilwoman Scarbrough moved to approve the bid with Greco Remodelers, Inc. For \$23,675.00, second by Councilman Branca. Mayor Kapp states he may come in with a contingency contract. Motion carried by 3/0 roll call vote with one abstaining (Leonard). Schedule after the January meeting.

Chairs for the town hall

The town clerk advised the council Troy Hendrickson has beige fiberglass bucket chairs for \$3.00 each. No interest by the council.

Jeannie's requests Tabled.

Kruse Corner grate Tabled.

Fayette Street gutter Tabled.

Rats Tabled.

Greenhill Crossing railroad track fence Tabled.

Zoning Code Review Tabled.

Baby gift for Ms. Via Councilwoman Scarbrough will purchase a gift from the council and collect at the next meeting.

Fee Schedule

The Planning Commission is still working on it.

Ordinance for commercial vehicles in residential zone and B-1

Mayor Kapp states a lot of folks have their second vehicle with their name on it. He asked what the ordinance considered a commercial vehicle. The answer was any vehicle over 7500 pounds or over 12 feet in length is designated commercial.

Business licenses outstanding

Atty Steketee states he wrote to Mr. Bailey and Mr. Woodside.

LeaMac suit

Atty Steketee states the town charter is not helpful enough to file a straight forward lien. He filed suit against LeaMac which was filed among the land records - suit will affect title on the property. He states the title insurance company called his office today and he gave them a figure which included the principle, interest and attorney fees - although the policy does not allow attorney fees to be collected.

NEW BUSINESS

Final site plan/occupancy permit - Atty Steketee to pursue.

Christmas Wreath - Metropolitan Plants has the wreath ready and will put it up Tuesday.

Greenhill Crossing bonds - The town clerk advised council the construction bonds for this

project expired. Greenhill Associates LC has requested an extension. Councilwoman Scarbrough moved to extend the bonds for Greenhill Crossing, second by Councilman Seffinga. Motion carried by unanimous vote.

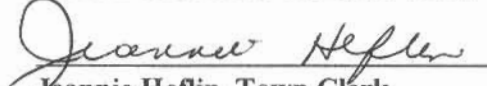
Demolition process

Council sent it to the ARB for review and revision.

Adjournment

With no further business to discuss the meeting adjourned at 11:48 p.m.

RESPECTFULLY SUBMITTED:


Jeannie Heflin, Town Clerk

APPROVED:


John R. Kapp, Mayor

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