

TOWN OF HAYMARKET, VIRGINIA
Chartered 1799
County of Prince William

MAYOR
John R. Kapp

ATTORNEY
Peter Steketee

COUNCIL
James Shepard, Vice Mayor
Mark Branca
Dottie Leonard, ARB Liaison
Michael Noonan
Mary Lou Scarbrough, PC Liaison
Bob Seffinga, Police Liaison

Mayor Kapp opened the regular meeting of the Town Council at 7:30 p.m. with the Pledge to the American flag. The Reverend Marcus Fields, Oak Rum Baptist Church, led Council in prayer.

Minutes of the November 2 meeting

Vice Mayor Shepard moved to dispense with the reading of the minutes and approve with corrections noted, second by Councilwoman Scarbrough. Yeas: Shepard, Branca, Leonard, Noonan, Scarbrough, Seffinga. Nays: None. Motion carried by 6/0 vote.

Police Report

Sgt Roop reported in the month of November: 2,771 miles drives, 223.5 gallons fuel used in vehicles, cost of fuel \$220.79, 87 warnings given, 81 traffic summons, 1 felony criminal arrests, 8 misdemeanor criminal arrests, 6 reports taken, 61 complaints answers, 445.5 hours worked, 1 DUI arrest, 1 possession of crack cocaine with intention to distribute, 1 possession of drug paraphernalia, 1 possession of marijuana, 1 habitual offender charger. Sgt Roop and Officer Hoffman went to class on DUI in Fairfax.

At the last Council meeting Councilwoman Scarbrough advised Sgt Roop that in the townhouses there were cars that needed town tags and there were speeders on Jefferson St. In response to that complaint Sgt Roop and Officer Hoffman spent the better part of two days patrolling the townhouses and issued 4 Uniform traffic summons, 5 warnings & 30 parking tickets.

Treasurers Report

First Virginia Bank general fund checking account beginning balance \$30,486.86, expenses for November \$23,240.83, deposits \$17,829.65, ending balance \$25,075.68.

Unpaid Bills

Councilman Branca moved to approve \$3,240.83 for expenses above the allocated \$20,000 per month for budgeted items, \$95.00 annual Terminix treatment plan. Total \$3,335.83. Second by Councilman Seffinga. Yeas: Shepard, Branca, Leonard, Noonan, Scarbrough, Seffinga. Nays: None. Motion carried by 6/0 vote.

Business License

A&N Imports, 15017 Washington St., #1 - Councilwoman Scarbrough moved to approve, second by Councilman Branca. Yeas: Shepard, Branca, Leonard, Noonan, Scarbrough, Seffinga. Nays: None. Motion carried by 6/0 vote.

Sid Rodders, Capital Waste Inc., 6640 Jefferson St. #6 (over hardware store) - office only, no large trucks will be parked there and only two employees. Vice Mayor Shepard moved to approve, second by Councilwoman Leonard. Yeas: Shepard, Branca, Leonard, Noonan, Scarbrough, Seffinga. Nays: None. Motion carried by 6/0 vote.

Sid Rodders, Capital Waste, Inc., 15201 Washington St., parking for roll off containers for construction material dumping - Mr. Rodders wants to park roll off trucks on the Phares property. Mayor Kapp states he believes that the railroad crossing is for private residential use only. Mr. Rodders wants to load trucks and reload into a trailer and transport the trailer to Culpeper for dumping. Access would be by the Route 15 ingress/egress not Washington Street. He would store one or two tractor trailers on the property and roll off trucks (he now has two) would be parked there.

Mayor Kapp asked Mr. Leaberry if he has a problem with the entrance off Rt. 15 being used. He replied no.

Atty Steketee states Mr. Rodders intentions need to be stated clearly, in writing, what and how many vehicles are permitted and a bond will be required. Bond will be determined by the written plan.

Mr. Lowery states he is concerned about infiltration trenches for drainage.

Councilman Seffinga states we need a written proposal from Capital Waste Inc stating how many trucks a day, of what kind, show E&S controls, pad site, future expansion possibility, agreement that debris will immediately be loaded into a trailer. Councilman Branca states a site plan is needed to address the site issues and stating there will be no more than three employees on site and written approval by the railroad. He states this sounds like a transfer station and there may be state regulations. Councilwoman Leonard states she wants to see his state license and the contract with the Culpeper dump facility.

Atty Steketee states the town needs to look at this as a land use questions. Mr. Lowery will get with Mr. Gossom to help them with the procedure.

Winford Michael, Michael Drywall Co., Inc, 6590 Jefferson Street, office only - Councilman Branca moved to approve, second by Councilwoman Leonard. Yeas: Shepard, Branca, Leonard, Noonan, Scarbrough, Seffinga. Nays: None. Motion carried by 6/0 vote.

Sign Permit

A&N Imports, 15017 Washington St., #1, independent auto dealer - Councilman Branca moved to approve, second by Councilwoman Scarbrough. Yeas: Shepard, Branca, Leonard, Noonan, Scarbrough, Seffinga. Nays: None. Motion carried by 6/0 vote.

Gossom & Costello Paving, 15001 Washington St., #1, wall sign - seven square feet. PC denied due to maximum allowable signage is currently on the building. ARB recommended approval pending change of color. Tabled.

Bell Backhoe Rental, 15001 Washington St. #6 - seven square feet. PC denied due to maximum allowed signage is currently on the building. ARB recommended approval pending change of

color. Tabled.

Costello's Cafe, 14951 Washington St., wall sign - Mayor Kapp states the Council determined the sign change (name) did not require a sign permit as the sign grandfathers. Atty Steketee will research the Code and make a determination and get back to Council by the end of the week (December 11).

Certificate of Appropriateness

Greenhill Crossing, Section 8, Peterson Companies, weak link connection - Councilman Branca moved to approve, second by Councilwoman Leonard. The ARB approved this application. Yeas: Shepard, Branca, Leonard, Noonan, Scarbrough, Seffinga. Nays: None. Motion carried by 6/0 vote. Mr. Lowery states a building permit will be required.

Greenhill Crossing, Section 9 entrance embellishments - one on each side of St. Paul Drive. It consists of white fence and landscaping. The ARB approved this application. Councilwoman Leonard moved to approve, second by Councilman Branca. Yeas: Shepard, Branca, Leonard, Noonan, Scarbrough, Seffinga. Nays: None. Motion carried by 6/0 vote.

Leaberry mini storage units, 15201 Washington Street, back three acres - ARB tabled for site plan showing landscaping detail. Councilman Branca states easement and subdivision plat will be approved with the site plan approval and not be released until the bond is posted. Councilman Branca states there are a couple (3) of outstanding issues and also need E&S estimate. He also states the six trees on the revised plan are not what the ARB approved and they want the detail on the plan.

Building Permit

Deck America, McBride, 14939 Greenhill Crossing Drive, deck - Councilman Branca moved to approve, second by Councilwoman Leonard. Yeas: Shepard, Branca, Leonard, Noonan, Scarbrough, Seffinga. Nays: None. Motion carried by 6/0 vote.

Ryan Homes, Section 9, Lot 21, 6857 St. Paul Drive, Bainbridge F - Councilwoman Leonard moved to approve, second by Councilwoman Scarbrough. Yeas: Shepard, Branca, Leonard, Noonan, Scarbrough, Seffinga. Nays: None. Motion carried by 6/0 vote.

Ryan Homes, Section 9, Lot 17A, 14930 Greenhill Crossing Drive, Patterson E - Councilwoman Leonard moved to approve pending plat specifications to show lot 17A, second by Councilwoman Scarbrough. Yeas: Shepard, Branca, Leonard, Noonan, Scarbrough, Seffinga. Nays: None. Motion carried by 6/0 vote.

Special Use Permit

Saddlery Liquidators, 6610 James Madison Highway - retail sales at 11,000 square feet, Code permits up to 3,000 square feet. Councilman Branca states there is no provision in the Code for a special use permit. Atty Steketee states under 12-162.1 size is not in compliance. If the Town Council rejects applicant may send this to the BZA and at 11,000 square feet the business is in violation now. Councilwoman Leonard moved to deny application, second by Councilman Branca. Yeas: Shepard, Branca, Leonard, Noonan, Scarbrough, Seffinga. Nays: None. Motion carried by 6/0 vote.

Councilwoman Leonard asks if the BZA grants the waiver are we in jeopardy if this is approved and later we reject additional applicants. Atty Steketee states it does not put Council in jeopardy but forces Council to re-look at the ordinance.

Councilwoman Scarbrough asks if the variance stays with the property or just for that tenant. Atty Steketee states it stays with the property, even if the tenant leaves.

Councilwoman Leonard states the PC is adamant about keeping the 3,000 square feet (maximum for retail space) and small shops even though some may be good for the town.

St. Paul's Episcopal Church, 6760 Fayette Street, parking lot, revised site plan - the entrance to the parking lot has been moved five feet south. Councilman Branca moved to approve contingent on approval from VDOT, second Councilman Seffinga. Yeas: Shepard, Branca, Leonard, Noonan, Scarbrough, Seffinga. Nays: None. Motion carried by 6/0 vote.

Bond Reduction/extensions

Greenhill Crossing, Section 2, 9, 1 - Councilman Branca moved to approve, second by Vice Chairman Shepard. Yeas: Shepard, Branca, Leonard, Noonan, Scarbrough, Seffinga. Nays: None. Motion carried by 6/0 vote.

OLD BUSINESS

Q Stop seating - nothing from Atty Steketee. Tabled.

Trash Proposal - Mayor Kapp states towns have until June, 1999 to decide what to do. If we don't take any action we are not included in the tax. Tabled.

Sheetz violation, neon signs and awning - Atty Steketee states the paper work should be done this week by Atty Jamison. Tabled.

Demolition permit form - pending Building Official approval. Tabled.

Building Official Certificate of Insurance - Mr. Lowery has not submitted yet. Tabled.

Citizen's Time

David Schauss, a property owner in Longstreet Commons, states it appears his neighbors is operating a day care business on Hunting Path Road. He asks what is the ordinance in this regard. Mayor Kapp states he spoke with the owner. She is renting the townhouse to two ladies and they are babysitting for two kids. Mr. Carnahan, the tenant of Mr. Schauss's house, states he saw a lady come in at 6:00 a.m. and unlock the door. It looks suspicious. Mayor Kapp states If the ladies do not live there they can not have a home business. Mr. Lowery states she has a lease and a state license and is permitted to care for up to seven children. The town ordinance is permits no more than five children before she needs a license.

Atty Steketee states sometimes there are covenants and restrictions on the land, the residents should read their homeowner association agreement. Mr. Schauss states his understanding is the new facility in Catharpin (day care the neighbor was to open) was not ready and she is using this residence and her personal residence until the new facility is ready. His concern is he is anticipating selling house and wants to be sure there is not going to be a day care there and cause

his sale not to go through. Mayor Kapp says we will have to ascertain if the tenants are living there, they will have to purchase a town tag within thirty days of moving into town. Mayor Kapp was told they moved in November 27.

Mr. Lowery states as the building official he will go through the house to see if there are furnishings for the ladies to sleep there.

Councilman Seffinga asked Atty Steketee his feeling about having the Building Official and Police Dept to ascertain if this is being used as a residence. Atty Steketee states if the homeowner wants to call the police and Building Official stating they feel there is a violation, they will investigate. Atty Steketee states if police find a violation a citation can be made right away.

Mrs. Bailey asks Atty Steketee if under the freedom of information act do citizens have the right to see real estate tax records. Atty Steketee says customarily real estate tax records are public record. If records are not readily available a written notice is appropriate, if readily available records can be perused without notice.

Mrs. Bailey asked about the "beanie baby" sign at the corner of Madison St. and Washington St. Councilwoman Leonard states the ARB directed a letter be sent to Class Act Design about the portable "beanie baby" sign. The Town Clerk states we sent a notice to Class Act Design with no response. The sign may not belong to them, it may belong to Madison Corner Shoppe.

Mrs. Bailey asks when an occupancy permit is issued a metal post is supposed to be put in (to mark the boundary) and according to town code is at ground level. Mr. Lowery states that is a settlement issue. Mrs. Bailey asked how to have them put in. Mr. Lowery says they're in, but below ground level. Councilman Branca asked when she went to settlement what did the documents say, were there any conditions that they would make the corners. She does not know. Councilwoman Scarbrough states the ordinance Section 11-8 says they should be flush with the finished grade.

Mrs. Stutz thanked Council for the Christmas party (Sunday night). Councilwoman Leonard thanked Carolyn Oswald and Dick Zirkle for all their work with decorating the town hall and lending their fireplace for roasting chestnuts.

Mrs. Stutz states Peterson Companies took the pickets off the section 2 and 9 fence top and they will install the top board very soon.

Mrs. Ring wanted to know what Peterson Companies is doing about the Section 2, 9, 3 fence. Mrs. Stutz states Peterson Companies took the pickets off the section 2 and 9 fence top and they will install the top board very soon and the dirt will be graded up to the fence. Councilwoman Leonard moved to require Peterson Companies to complete this project by January 4.

Planning Commission

Nothing to report.

Architectural Review Board

Councilwoman Leonard states the ARB discussed the 14881 Washington St. property deterioration and notes that is not being painted.

Historical Commission

Mrs. Turner states a gentlemen from Historic Resources toured the Rust property with her. Mr. Hoppmann is going to get papers to see if they can get it registered. Hoppmann has installed a big lake.

Paxton property - the Historic Resources fellow said the town ought to try to get it for a visitor center. Mrs. Ransom will bring this up to the county visitor center.

At the regular meeting Saturday, the ladies are looking forward to the future and the goal of a museum. They agreed to take a research project and each member will take one or two sites and research all the way back.

Mrs. Turner determined the old Post Office building was built in 1870 and was used as a town meeting hall.

Building Official

Certificate of Insurance - being written today, should be ready in a weak, reports Mr. Lowery.

Patterson retaining wall - he knows nothing about this item on the agenda.

Paxton property - he has spoken with the family, since Mr. Paxton's death, the property is being sold to settle the estate.

OLD BUSINESS

Municipal Code - Mayor Kapp states they changed and rearranged the order of our code to meet the industry standard. Atty Steketee states they can make those changes but we do not have to accept it. Mr. Lowery asks if Council wants his changes in writing. Mayor Kapp replied yes.

Bicentennial Stamp - has been approved by the Post Office Dept.

Bicentennial Ball invitations - will be in from the printer December 8. Reservations will be \$25.00 and we will use a list, not sell actual tickets.

ISTEA bid package, phase II - being prepared. Proposal is in for lighting and landscape which has to be submitted to VDOT. The start of construction is three to four months after submitted to VDOT.

Mayor Kapp spoke to John Elkins in regard to the proposal of \$2400. Mr. Elkins is discounting it to \$1400.

Councilman Branca states GTE ran into rock out here. They will meet with Mayor Kapp at 2:00 Tuesday.

Van Horn Memorial Park - Vice Mayor Shepard states the committee has dwindled. They looked at the house and yard and determined the pool will have to be handled separate. Vice

Mayor Shepard is putting together a presentation for Council. Tabled.

Prince William Greater Manassas Chamber of Commerce - Mayor Kapp announced new member orientation is to be held Friday December 11, Prince William Hospital, 4th floor conference, 8:00 a.m.

Gas Franchise - covered

Century Stair sanitary sewer - Mr. Lowery states the Health Dept has not gotten their copy for review.

NEW BUSINESS

Employee Insurance, health and dental Councilwoman Scarbrough has a request from Mary Ruffo for insurance for herself and family. Councilman Branca asked if we carry insurance for part time people. Councilman Seffinga states no.

Councilman Seffinga asked the Town Clerk how many days of employment before we pick up insurance for our new police officer. The Town Clerk states there is no policy that she is aware of and it is not included in the Employee Handbook.

Councilwoman Leonard asked if Mary can purchase insurance through the town's group.

Sign Application

Old Bank Cafe, Costello's Cafe, 14951 Washington St. - Councilman Seffinga states the town ordinance says nothing about grand fathering. It does state "no sign shall be ... altered ... unless a permit is issued... ARB sign guidelines must be followed, colors chosen must be approved...illuminated signs shall be illuminated down...neon and back lit signs not allowed...signs shall be maintained....prohibited signs; internally illuminated, neon, rotating...

Atty Steketee states grand fathering is a sign that was up before the sign ordinance was adopted. We have a very restrictive sign ordinance and altering, the name change, is a change. Councilman Seffinga states the sign was never illuminated when the former tenant of that property was there because she was not open at night, only in daylight hours. Atty Steketee would like a week to work on this. Tabled.

NEW BUSINESS

Bicentennial - charter signing January 11 - Mayor Kapp asked if Council wants to have a ceremony of re-enactment of the signing of the charter. The Post Office asked if we are interested. Tabled to December 14.

Section 8 Greenhill Crossing bond release request - Mrs. Stutz states this bond was held for the weak link connection. Mr. Lowery will be sure the weak link is done, he states. Councilwoman Leonard moved to release Section 8 bond money, second by Councilman Seffinga. Councilman Seffinga asked if everything is complete, yes, was the answer and the brick sidewalks on Section 8 are tied to Section 2 plans. Yeas: Shepard, Leonard, Noonan, Scarbrough, Seffinga. Nays: Branca Motion carried by 5/1 vote.

Citizen's Time

Mrs. Ring asked what bond will cover the completion of the railroad fence. Councilman Branca says there is no bond to cover that, it was a voluntary fence.

Mrs. Bailey states she is collecting Christmas things for a families for Christmas.

Mayor Kapp states John Gollhardt chose to resign from the Police Department.

Executive Session

Councilman Branca moved to go into executive session pursuant to Va. Code 2.12344.A(1) to discuss legal matters and personnel matters, second by Councilwoman Scarbrough. Yeas: Shepard, Branca, Leonard, Noonan, Scarbrough, Seffinga. Nays: None. Motion carried by 6/0 vote.

Councilwoman Scarbrough moved to go out of executive session certifying only legal and personnel matters were discussed, second by Councilman Noonan. Yeas: Shepard, Branca, Leonard, Noonan, Scarbrough, Seffinga. Nays: None. Motion carried by 6/0 vote.

Gossom land contract

Vice Mayor Shepard moved to authorize Mayor Kapp to sign the contract when Atty Steketee gets the contract together, second by Councilwoman Scarbrough. Yeas: Shepard, Branca, Leonard, Noonan, Scarbrough, Seffinga. Nays: None. Motion carried by 6/0 roll call vote.

Planning Commission appointment

Vice Mayor Shepard moved to appoint Michael Felt to the Planning Commission, second by Councilman Branca. Tabled.

Police Dept schedule - holidays

Councilman Seffinga moved to permit Sgt Roop to schedule Police Department to take their holidays off and if they do need to work they receive time and one half compensatory time, second by Councilwoman Scarbrough. Yeas: Shepard, Branca, Leonard, Noonan, Scarbrough, Seffinga. Nays: None. Motion carried by 6/0 vote.

Continuation

At 11:42 p.m. Council continued this meeting to Monday, December 14 at 7:00 p.m.

Continuation of December regular Town Council meeting-December 14, 1998, 7:00 p.m.

Present: Mayor Kapp, Councilwoman Scarbrough, Councilman Seffinga, Vice Mayor Shepard, Councilman Noonan, Councilwoman Leonard. Absent: Councilman Branca.

Executive Session

At 7:00 p.m. Councilwoman Scarbrough moved to go into executive session pursuant to Va. Code 2.144344A(1) to discuss personnel matters, second by Councilman Seffinga. Yeas: Shepard, Leonard, Noonan, Scarbrough, Seffinga. Nays: None. Motion carried by 5/0 vote.

At 7:40 p.m. Councilman Seffinga moved to go out of executive session certifying only personnel matters were discussed, second by Councilwoman Scarbrough. Yeas: Shepard, Leonard, Noonan, Scarbrough, Seffinga. Nays: None. Motion carried by 5/0 vote.

Police Officer appointment

Councilman Seffinga moved to hire Patricia Putnam as a town police officer, second by Councilwoman Scarbrough. Councilman Seffinga amended motion to include at what John Gollhardt was making (\$28,500), amendment section by Councilwoman Scarbrough. Yeas: Shepard, Noonan, Scarbrough, Seffinga. Nays: None. Abstain: Leonard. Motion carried by 4/0 vote.

OLD BUSINESS

Environmental Adjustors, garden center, 15201 Washington Street - The Town Clerk was directed to send Mr. Merkli a certified letter (return receipt requested) stating his failure to live up to the provision of his business license has caused the Town Council to increase his bond to \$25,000. Failure to post the \$25,000 bond by January 4, 1999, 7:30 p.m. will cause the Council to take the action to revoke his business license.

Winterham, 15151 Washington Street, occupancy permit/business license violation - Council has been informed Mr. Costello is operating an office for a lumber contract at Winterham. There is no business license application and there is no occupancy permit for an office in that facility.

Jefferson Street - paving - Mayor Kapp states this street will be paved in the Spring of 1999. He was asked why Fayette Street was chipped. Mayor Kapp says it will be asphalted next Spring also.

Gossom property contract

Council reviewed the revised contract. Councilwoman Scarbrough states Council needs to prepare a press kit. The press conference will be held Saturday, January 9 at 10:00 a.m. at St. Paul's Parish Hall. The Town Clerk is to call the parish secretary to reserve the hall.

Codification

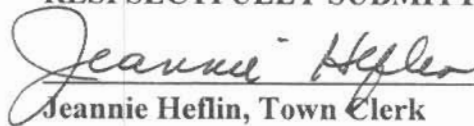
Councilman Seffinga asked Council members to take the Code sections and review for inaccuracies and completeness. Councilman Seffinga and Mayor Kapp will look over the Code section pages and see how they are matched up.

PC appointment - tabled to January 4.

Adjournment


Councilman Seffinga moved to adjourn at 9:45 p.m., second by Councilwoman Scarbrough. Yeas: Shepard, Leonard, Noonan, Scarbrough, Seffinga. Nays: None. Motion carried by 5/0 vote.

RESPECTFULLY SUBMITTED:



Jeannie Heflin, Town Clerk

APPROVED:



John R. Kapp, Mayor

12/2/98

Motion to go into Executive Session

I move that this [board][council] now meet in executive session to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act as:

- Personnel matters under VA. Code Section 2.1-344 A. 1;
- Real property use, acquisition, disposition, condition or use under Va. Code Section 2.1-344 A. 3;
- Protection of the privacy of the individuals in personal matters not related to public business under VA. Code Section 2.1-344 A. 4;
- Prospective business or industry matters or expansion of existing business or industry where no previous public announcement has been made under VA. Code Section 2.1-344 A. 5;
- Investing of public funds where competition or bargaining is involved where, if made public initially, the financial interest of the county would be adversely affected under VA. Code Section 2.1-344 A. 6;
- Consultation with legal counsel and briefings by staff members, consultants or attorneys, pertaining to actual or probable litigation, or other specific legal matters requiring the provision of legal advice by counsel under VA. Code Section 2.1-344 A. 7;

The substance of the matters to be discussed involves:

planning engineering help, police officer
~~*public affairs*~~ - *property purchase.*
Sheets