

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

TOWN OF HAYMARKET
December 3, 2001

MAYOR

John R. Kapp

ATTORNEY

John Arledge, Smith & Davenport

COUNCIL

James Shepard, Vice Mayor

Nancy Bailey, PC Chair/Liaison(absent)

Tom Utz, Bldg. Official Liaison(absent)

Mary Lou Scarbrough, ARB Liaison

Doug Mohr, PD Liaison

Pam Stutz, Hist Comm. Liaison

Mayor Kapp opened the Public Hearing at 7:00 p.m.

Police Auxiliary Section 2-100-2-108 to create an auxiliary police force. Atty Arledge states the council is not required to hold a public hearing to adopt this ordinance.

Atty Arledge states the entire Chapter 8 of the code needs to be redrafted.

Regular Session

Citizen's Time

George Key, representing the owner of 14881 Washington Street (Pardo rezoning) states he was supposed to hear back from council. The council sent this matter back to the Planning Commission. The clerk will call him with the details of the PC discussion.

Ron MacInnis, 15020 Fayette Street, regarding Fayette North, states 30 houses are proposed to be build on the end of the street. He and neighbors are concerned about new roads and access of ingress/egress and traffic on Fayette Street. The road is not adequate for the homes now, much less sixty to seventy additional vehicles. He suggests the developer find another alternative away from Fayette Street. Plus the increase of traffic on Washington Street due to the development on Old Carolina Road and the new Bleight Drive project will make it even more difficult for these people to be moved. It is extremely unfair for people who have lived here to be inconvenienced by this additional load of traffic. He asks council to look at the plan for an alternate road.

Dr. Ayers, 15010 Washington St., says he understands Fayette Street is 24' wide, which is not wide enough to carry more traffic. He reminds council there is a school bus stop on the end of Fayette St. and parents will park there waiting for the bus. There is a need for a sidewalk, need additional 16' of right of way. The developer has a 38' right of way on Fayette St.

Teaching the Basics, learning center. They are asking for action. Councilwoman Stutz states council asked for additional information. Council asked for financial report, projections, maintenance agreement. Information has not been received.

Terry Karnes, Teaching the Basics, states regarding the landscape information; she was told by

the mayor to move ahead as long as it complies with the ordinance.

Minutes of November 5 meeting

Vice Mayor Shepard moved to dispense with the reading and approve with corrections noted, second by Councilwoman Scarbrough. Ayes: Shepard, Scarbrough, Stutz. Nays: None. Motion carried by 3/0 vote.

Police Report

No report available.

Councilman Mohr arrived at 7:50

Councilman Mohr reports:

Atty Arledge and Atty Fullerton are finalizing the lease agreement. Dave Taylor, Orion Systems, will send security agreement contract to Atty Arledge for review.

OLD BUSINESS

Zoning Text Amendments

Sec. 12-1 Fitness Center/Health Spa - Councilwoman Scarbrough moved to adopt, second by Vice Mayor Shepard. Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote.

Sec. 12-1 Manufactured Home - Councilwoman Scarbrough moved to adopt, second by Vice Mayor Shepard. Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote. Mr. Lowery informs council the town needs an ordinance regarding industrial building units.

Sec. 12-1 Mobile Home - change to add exception for temporary sales trailer for 180 days. Extensions need to be approved by council. A construction trailer does not require a permit. Councilwoman Scarbrough moved to adopt, second by Vice Mayor Shepard. Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote.

Mobile Office/Classroom - Mr. Lowery says use is for indefinite period now, no requirements. Councilwoman Scarbrough moved to approve with the office use removed, second by Vice Mayor Shepard. Councilwoman Scarbrough amends motion limiting use to one school year maximum, Vice Mayor Shepard seconds the amendment. Councilwoman Scarbrough moved to adopt, second by Vice Mayor Shepard. Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote.

Sec. 12-116(1) B-1 District Height Regulations - Councilwoman Scarbrough moved to approve, second by Councilman Mohr. ~~Councilwoman Scarbrough moved to adopt, second by Vice Mayor Shepard.~~ Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote.

Sec. 12-1 Definition of Antiques - tabled

Sec. 12-1 Definition of Collectible - Vice Mayor Shepard moved to approve, second by Councilwoman Scarbrough. Councilwoman Scarbrough moved to adopt, second by Vice Mayor

Shepard. Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote.

Sec. 12-214 Temporary Signs - require a permit - Councilwoman Scarbrough moved to approve, second by Vice Mayor Shepard. ~~Councilwoman Scarbrough moved to adopt, second by Vice Mayor Shepard.~~ Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote.

Sec. 12-214(1) Banners - tabled.

Sec. 12-214 B-3 district -tabled

Sec. 12-112 B-1 district - tabled.

Sec. 12-165 I-1 buffer requirement - Councilwoman Scarbrough moved to adopt, second by Vice Mayor Shepard. Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote.

BPOL Tax increase - Clerk to check minutes as Atty Arledge recalls that ordinance amendment was adopted.

Sec. 12-1 Definition of a Modular Unit - Councilwoman Scarbrough moved to adopt, second by Vice Mayor Shepard. Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote.

Sec. 12-1 Definition of Motorhome - Councilwoman Scarbrough moved to adopt, second by Vice Mayor Shepard. Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote.

Sec. 12-1 Definition of Street or Road - Atty Arledge states this defines anything that does not comply is not a street or road. Councilman Mohr is concerned with town will have no control. Tabled.

Sec. 12-1 Definition of a trailer - Tabled.

Sec. 12-1 Definition of a travel trailer - tabled

Sec. 12-67 R-2 District - Tabled.

Sec. 12-28 R-2 District - Tabled.

Business License

Designer Fitness & Rehab, 6715 Leaberry Way, Industrial District - Councilwoman Scarbrough moved to adopt, second by Vice Mayor Shepard. Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote.

Fay's Auto, 6707 Jefferson St. #3, B-1 district, independent vehicle dealer - Councilwoman Scarbrough moved to adopt, second by Vice Mayor Shepard. Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote. Withdraw application as it was already

approved.

Auto Imports, 6707 Fayette Street #7, - name change

Business license name of business change - Councilman Mohr moved if a business only changes their name and not the location or corporate statue the application will be handled administratively by the clerks, second by Councilwoman Scarbrough Councilwoman Scarbrough moved to adopt, second by Vice Mayor Shepard. Ayes: Shepard, Scarbrough, Mohr. Nays: None. Abstain: Stutz. Motion carried by 3/0/1 vote.

Perry's Plumbing - already approved.

Route 66 Auto Glass Inc, 15018 Wash. St. #12 - office only with stipulation they complete application. Councilman Mohr move to approve, second by Councilwoman Scarbrough. Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote.

Teaching the Basics, 15026 Washington St., - Councilwoman Scarbrough moved to waive the application fee, second by Councilwoman Stutz. Councilman Mohr asked why we previously denied waiving fees for Back 2 Basics and Haymarket Baptist Preschool. Atty Arledge states it would be better to give relief through lease rather than taxes. Councilwoman Scarbrough amends motion to include they must pay the \$30 application fee, second by Councilwoman Stutz. Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote.

Sign Permit

Corbin & Associates, 6719 Leaberry Way, Industrial 1 district - Councilwoman Scarbrough moved to approve, second by Councilwoman Stutz. Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote.

Optometrist, David Gore, 6727 Leaberry Way, Industrial 1 district - Councilwoman Scarbrough moved to approve, second by Councilwoman Stutz. Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote.

Designer Fitness & Rehab, 6743 Leaberry Way, I-1 district - Councilwoman Stutz moved to approve, second by Councilman Mohr. Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote.

State Farm Insurance, 6711 Leaberry Way, I-1 district - Councilwoman Scarbrough moved to approve, second by Vice Mayor Shepard. Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote.

Realty, 6719 Leaberry Way, I-1 district - Councilman Mohr thinks we need to look at the ordinance as it may not be legal to approve this sign. Councilwoman Scarbrough moved to approve, second by Vice Mayor Shepard. Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote.

Auto Imports, 6707 Fayette St., #7, B-1 district - Councilman Mohr moved to approve, second by Councilwoman Scarbrough. Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote.

Angelic Nails, 6731 Leaberry Way - council received a letter from Ron MacInnis with a complaint of the type style not an approved style. Mayor Kapp states he spoke to the tenant and gave her a sign application. Councilwoman Scarbrough states the ARB did not specify the detail of Helvetica lettering (not bold). Mayor Kapp states the problem was they put up the sign with no permit. The size on the application is not what they installed. The square footage is actually 20" x 16'. Councilman Mohr asks if council can deny due to the standard [set for those signs]. Mr. MacInnis states the original letter type approved by the ARB is the Helvetica medium. There are specific guidelines set even though Helvetica was not a pre-approved [by the ARB] type style. Councilman Mohr suggests Mr. Leaberry establish a sign ordinance. Councilwoman Stutz moved to disapprove 1.) Does not meet criteria of Helvetica Medium, 2) does not conform with the sign requirements, second by Councilwoman Scarbrough. Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote.

Mr. Lowery states the sign makers need electrical permits or they will be told to remove their sign. No building permit is required, only the additional electrical permit.

Mayor Kapp would like to have a packet for residents, businesses telling folks what they need to do for building permits, town tags, signs, etc.

Rezoning Application

14881 Washington Street, R-1 to B-1 - The Clerk says the applicant has not volunteered the street scape improvement or paving the parking. Tabled. Atty Arledge states street enhancement has to be proffered and public water.

14845 and 14851 Washington Street, R-1 to B-1 - applicant requests refund of application fee and withdraw this application due to an incorrect property information. Atty Arledge states this is not normally a refundable fee but since this required such a small amount of work on it council may want to refund.

Councilwoman Stutz moved to refund all but 10% for administrative cost based on no engineering fee incurred, second by Councilwoman Scarbrough. Ayes: Shepard, Scarbrough, Stutz, Mohr. Nays: None. Motion carried by 4/0 vote.

Subdivision Plan Review

Villages at Haymarket, Bleight Drive, R-2 district - Mr. Henegar states minor changes have been made to the plan and plat next to the Crouch property. Crouch asked applicant to retain rights fee simple so he doesn't have to deal with HOA - on ingress/egress easement - Crouch has perpetual easement, they gave over the entire parcel. They are ready to post all the bonds. Atty Arledge received the information this afternoon. Atty Arledge states he should have the deed of subdivision for review before the council approves the plan. Mr. Henegar asks for approval of the change of the owner of the lot (next to route 66). Councilman Mohr wants a statement from abutting owner. The fee owner is Oak Ridge Builders/Haymarket Development.

Councilwoman Stutz states the developer will go away and they will own little pieces of the property, they will pay tax on it. Councilwoman Stutz states [in essence] you are subdividing the property. Mr. Henegar says it was originally open space. Councilwoman Stutz asks what eventually happens to parcel C. Mr. Henegar does not know. Councilwoman Stutz asks if the developer would be willing to say after a period of time it will revert to the HOA. No, as it is the

easement for the Crouch entrance. Council wants a copy of Mr. Crouch's letter to see what he is asking for.

Atty Arledge will look at the deed one more time. Mr. Henegar says the fee owner will maintain parcel C. Atty Arledge says it doesn't require a council action for the mayor to sign off. Atty Arledge says council approved the plat on October 1 per engineers approval. Atty Arledge states he has the bond letter of credit, has deed to review. He will inform council in writing if the form is approved.

Councilwoman Stutz moved to approve fee simple retaining of parcel C and developer will maintain, pending a letter from abutting property owner and attorney provide letter of approval for the form of the deed of subdivision. Mr. Payne has not seen the change in the plat. Councilman Mohr wants the engineers approval. Atty Arledge states the parcel physically does not change, engineer review is not needed. Ayes: Shepard, Scarbrough, Stutz. Nays: Mohr. Motion carried by 3/1 vote.

Preliminary Plan Review

Fayette North, Fayette Street, R-1 (4 SFD) & R-2 (28 cluster homes) districts - Rick Lanham, KSI, met with the PC in July and came back in September for pipe stem lots. He appeared at the PC meeting in November with all public streets, storm water management plan. PC said okay to move forward with the final plan. It has not been to the engineer yet. Marty Crayhan, Greenhorn & O'Omeara states they took the plans to Jim Payne for comments.

Mayor Kapp asked if during construction can they access through the 22 acres on Jefferson Street. Lanham will look at it but it has steep slopes on the Jefferson Street side. Mayor Kapp says the concern is traffic. Councilman Mohr says we have not asked for road improvements on any of the roads in these projects. He says we have a substandard street here, for emergency vehicles.

Councilwoman Stutz asks Mr. Lowery if you can access off Jefferson Street. Mr. Lowery does not think they'll grant it. Mr. Lowery says Fayette St. is a state road, 38' right of way, the state owns it. There is a loss of property for houses already there. Councilman Mohr asks if the state requires any improvement for this many houses. Mr. Lowery says he has to approve the site plan and he has no problem with this for emergency vehicle access. Councilman Mohr states he has a problem with the ingress/egress. Mr. Lowery suggested putting the road through Bailey and Finney lots. Councilwoman Stutz asked about a sound wall. Mr. Lanham said the PC spoke about that and said when VDOT widens the road [route 66] VDOT will install a sound barrier. Mayor Kapp suggests applicant look closely at the right of way width on Fayette Street and upgrading the road and how it affects the existing property owners. Councilwoman Stutz would like to see a new access built. Councilman Mohr suggests contacting the owner of the 22 acres off Washington Street. Dr. Ayers said the sidewalk stops just outside the development; can they put in sidewalk to Washington Street? The water will come in from Jefferson Street. Councilman Mohr told them the town requires underground electricity and check the water line location.

Continuation meeting

December 10, 7:00 p.m.

Potential business

Foster's Grill, 1.26 acres in front of 15175 Washington Street, I-1 district - hamburger restaurant, will have ABC licence to sell beer and wine, no liquor, 11 a.m. to 9 p.m. Individual owner/operator, asks if multi use, a drive through, fast food. Council says drive through restaurant is a by right use, street scape will have to be done, will have to put the building on the street front and parking in the rear. Mr. Lowery suggests he check with 84 Lumber to tie in with the storm water management pond.

Preliminary plan

Signature Kitchens parking lot, 6612 James Madison Hwy, I-1 district - owner wants two years to implement the parking lot in three phases.

Councilman Mohr left at 10:25

Mr. Lowery states the change of use causes owner to pave the parking. Mr. Lowery says the water line is being installed between the two buildings.

Mayor Kapp wants Mr. Lambradozzi to have an agreement for storm water management. Tabled to Dec. 10.

Newsletter

The Clerk asked council to approve the newsletter. Council did not take up this matter.

Recess

**TOWN COUNCIL CONTINUATION
December 10, 2001**

MAYOR

John R. Kapp

ATTORNEY

John Arledge, Smith & Davenport

COUNCIL

James Shepard, Vice Mayor (absent)

Nancy Bailey, PC Chair/Liaison

Tom Utz, Bldg. Official Liaison

Mary Lou Scarbrough, ARB Liaison

Doug Mohr, PD Liaison (absent)

Pam Stutz, Hist Comm. Liaison

Mayor Kapp reconvened the regular session at 7:00 p.m.

Business License

Teaching the Basics, 15026 Washington St., R-1 district - Atty Arledge asks if the number of students never reach above 35 in number, what happens. The council will revisit after two months.

Councilwoman Stutz asked how they determined the \$3,000 for maintenance. Rev. Jones states Merrifield Gardens will match there cost dollar for dollar=\$1500, smoke detectors \$10 each, paint some interior, materials and labor, floor covering for entry area replaced and a piece in front. They request a rent reprieve for Jan and Feb and additionally to decrease rent to \$1500 for the rest of the year.

Councilwoman Bailey asked about landlord responsibility. Does Rev. Jones expect the town to take care of them. Rev. Jones says they do not expect to take care of the plumbing and heating. They will take care of a toilet stopping up. Mr. Lowery says they need to call the town's plumber and he'll bill the school for his services. Rev. Jones says the exterior door casing needs to be scraped and painted. Door handles are missing, some doors don't lock. Doors need to be painted. He doesn't feel that is tenant responsibility. Rev. Jones says there is a list of about twenty items. Councilwoman Stutz recommends new lease to be negotiated regarding maintenance.

Councilwoman Stutz moved to accept proposal with rent decrease from \$1800 to \$1500 until July 1, 2002 with stipulation they will complete the maintenance dated December 3, 2001 with payment schedule, second by Councilwoman Scarbrough. Ayes: Stutz, Scarbrough, Utz, Bailey. Nays: None. Motion carried by 4/0 vote.

Preliminary Plan

Signature Kitchens, 6610 James Madison Hwy, parking lot - Mayor Kapp states Mr. Lambradozzi needs permission from Gene Frogale for runoff. Lambradozzi does not have that yet. Frogale is to pave Route 15 to the property line. Mr. Lowery says he will pave in front of the building on Route 15 and across behind the front building to park his vehicles. Mr. Payne will have to look at the plan regarding the pond. Mr. Lowery says Leaberry is involved with the entrance to Kapp Valley Way. R. W. Murray, representative, states this is a preliminary general plan and wants to know if council would generally look favorable and wants to know what issues need to be addressed.

Phase 1 and 2 will depend on leased space and paving. If not leased the town will give Lambradozzi a time frame. PC said twelve months period would be realistic. Councilwoman Bailey states they would rather turn the travel to grass until they are ready to pave. Councilwoman Bailey says they are not in compliance with the whole site, it should have been paved before. Mayor Kapp states the building is grand-fathered for gravel. Councilwoman Bailey says they had one year to pave it. Mr. Lowery states the last addition was built in 1982. Mayor Kapp says it is prior to the ordinance adopted in 1983. R. W. Murray rep. says it is a change of use. Mr. Lowery says from single use to multiple use they will have one year to pave. Councilman Utz asks where is this year, where does it say that in the code book.

Mr. Lambradozzi has tenants who would like to occupy the premises now but he doesn't have parking plan final and he doesn't want the lack of final plan approval to hold up the certificate of occupancy. Mr. Lowery says the key is to develop a paved handicap area. They plan to do what Haymarket Baptist did, they will pave between the two buildings.

Mr. Lowery says 3.2 acres on upper left corner, northwest, will be seeded and sodded on Frogale property. There is a purchaser for the front building. Mayor Kapp says to be sure engineer knows half of that lot will be paved and the SWM will go to Frogale's pond. Mr. Lowery has a meeting with the state to discuss the plan for SWM. Councilwoman Bailey and Stutz do not have a problem with a twelve month period to pave the parking.

Mr. Lowery says it has taken Lambradozzi two and one half years to complete the interior work on the building. He doesn't think there will be a problem with the certificates of occupancy.

R. W. Murray rep says phase 2 and 3 will probably be done together.

According to the code the paving is required immediately. Mr. Lowery says Contrucci asked for a year to pave the TOPS lot and council granted it. Country Accents was permitted a year also.

Councilman Utz asks what we are agreeing to as the code doesn't allow delay and handicap parking is not on the plan. Mayor Kapp states council needs to dig through the ordinance for the one year delay. Councilman Utz remembers TOPS had to pave immediately instead of a delay and Country Accents was permitted to leave the historic look gravel. Mayor Kapp told Murray to bring Frogale agreement, E&S, handicap parking for the PC December & Town Council Jan 7

Atty Arledge suggests to council to express any extensions in the ordinance.

Town Center Property - town hall

Electric recessed screen for the town hall for presentations - Councilman Utz moved to allow maximum of \$1450 including shipping for a 70" x 70" electric recessed screen to be mounted at the new town hall, line item from capital improvements from the floor and ceiling savings,, second by Councilwoman Stutz. Ayes: Stutz, Scarbrough, Utz, Bailey. Nays: None. Motion carried by 4/0 vote.

Building Official

Permit rejections - Subway and Corbin & Associates. 84 Lumber needs to revise their drawings.

Town Center Property

Red Rooster (15020 Washington St.) - Mr. Lowery rec'd a bid for \$32,000 for the foundation. He thinks this is high and grant money can be found. Mr. Lowery states the foundation will be done in four foot sections. He thinks the floor system will also have to be replaced. It needs to be done from the exterior. The tenant will have to move while the work is being done.

Councilwoman Stutz states Bill Hines gave council a proposal in August to fix leaking pipes in Anderson apartment [6620 Jeff. St.]. Mr. Lowery states the whole building is in bad shape. Mr. Lowery and Mr. Hines are trying to find out how many hot water heaters are there, it looks like only two in the building. It looks like Connie is providing hot water for the upstairs.

Mr. Lowery states there are pipes in the grocery store that are left open. Floor drains without tops that need to be capped off. Mr. Lowery says it would be beneficial to have building maintenance personnel and public works. He suggests Mr. Hines take this responsibility.

Mr. Lowery says Alan brought all Back 2 Basics issues up to code before the town bought the property.

Councilwoman Stutz moved to allocate \$500 to repair Anderson apartment and bring in a proposal for anything in excess on Jan 7, second by Councilwoman Scarbrough. Councilman Utz asked if Hines can go beyond \$500 for other leaking issues. Councilwoman Stutz says her motion is to get the leaks fixed and bring a proposal for other work to get the building up to code. Ayes: Stutz, Scarbrough, Utz, Bailey. Nays: None. Motion carried by 4/0 vote.

\$1600 (ARS) for 2nd floor over town hall to install thermostats - Mr. Lowery says it is definitely

needed for upstairs offices. Thermostats in every office for three way zone. Mr. Lowery says it was in the original contract and was removed as the town did not think it was needed.

Councilman Utz moved to approve \$1600 for HVAC zoning thermostats and dampers to be installed at 15018 Washington St, capital improvements budget, second by Councilwoman Scarbrough. Ayes: Stutz, Scarbrough, Utz, Bailey. Nays: None. Motion carried by 4/0 vote.

Councilwoman Stutz asks how this happens. Councilman Utz says it is the heat load with the sun on the front and the cold in the rear. Councilman Utz states a building this large should be zoned. Mr. Lowery states ARS did install the duct work.

Water to town hall bathrooms - Gossom to dig trench from gray house back to town hall for bathrooms for the town hall. Gossom donated the cost to dig trench, we have to pay cost to lay the pipe. Hines will submit a proposal. Mayor Kapp states we need a sewer line too.

Phone lines need to moved upstairs. Mayor Kapp has called the phone company three times with no return call yet.

Tenant space #5 & 6 - old CAH space - Mr. Lowery says the hallway has to be widened to 4' before any tenant takes possession. Mr. Lowery suggests widen corridor into CAH space. It has to be drywall R-1 rated and two exterior doors, one on Jeff St. & one on Wash St., each door has to be 3' door. Mr. Lowery states you have to be sure what is a bearing partition.

Mr. Lowery asks about bathrooms. Councilwoman Stutz states the CAH agreed to share their bathroom. Mr. Lowery says you can not share a bathroom. Councilwoman Stutz asks Mr. Lowery to meet with the leasing committee. Mayor Kapp wants to attend. Council needs to give a three day notice of the meeting if three or more council members will attend.

15020 Wash St., roof leak in first floor back room/exterminating - there is a hole in the roof that needs to be repaired.. Mr. Lowery states he saw a ground hog taking insulation in under the building. Councilwoman Stutz wants exterminating done due to the mice she has seen and caught.

Space behind grocery store where the rain barrels are, next to #12 - needs to be addressed.

Councilwoman Stutz says gutters are bad too. She will call roofers for three bids. Mr. Lowery says Alex. Roofing is good. Councilwoman Scarbrough will get names. Mayor Kapp says call Apex Roofing and Value Roofing. It does not require a permit unless it changes structurally.

Councilman Utz asked about the Food Lion parking lot lighting. He thinks it is insufficient and asked Mr. Lowery to check if we need to increase our candle lumens in our ordinance. He asks if we can add more lights. Mr. Lowery thinks when Leaberry puts lights up front it will help a great deal or he may need more heads.

Councilwoman Stutz states you need lights in town center parking lot. She says Mr. Hines put a spot light on his office and it helped greatly.

Mr. Lowery states the International Code Council has reappointed him to two major committees.

NEW BUSINESS

Town Center Property

Flooring - council approved AL84 Heathered Spruce Blush Congoleum tile - carpet 00101 Buttle Queen Commercial Carpet. Tile for foyer to clerks window, bathrooms and kitchen and the rest in carpet. Councilman Mohr moved to do as written in Colvin Carpet proposal dated 12/3/01, \$5,614.42 approximately, second by Councilwoman Scarbrough. Ayes: Stutz, Scarbrough, Utz, Bailey. Nays: None. Motion carried by 4/0 vote.

Public Hearing Zoning Text Amendment - January 7, 2001 Pipe stem lots R-2 Sec. 12-67 and Sec. 12-68. Remove Sec 9-10 from public hearing. Atty Arledge needs guidance regarding Sec. 12-214 political signs. Councilwoman Bailey says there is a time limit and size limit. Councilwoman Stutz asks Atty Arledge provide Fairfax and PWC ordinances. He states he will e-mail them to council.

Town Hall - discussed closing town hall office for Christmas week. Clerk would work Thurs, Dec 27 for submissions. Council agreed to close from December 24 through January 1 with the exception of Dec. 27. Clerk to post a notice on the door and in public places.

2002 meeting schedule - approved with change of Jan 2 meeting date.

Changing town charter

Councilwoman Bailey states she would like to see the following changes:

1. Stipulate the mayor has veto power but is not a member of council for voting, 2. Limited terms for mayor and council members. Mayor Kapp suggested to have staggered terms. Mayor Kapp states council has to petition the general assembly. It will be in nine months for submission. Atty Arledge advises council to do it early. Councilwoman Bailey asks if we need it in our charter we have jurisdiction within one mile of the town limits. Atty Arledge states that is a state code provision. He suggests to concentrate on the changes council needs.

ARB

Town Center sign, free standing in front of the shed. Mr. Newlon re-figured the sizes and they comply with the code in B-1 district menu sign. Tabled to Jan 7.

Town Center Lease - Bill Hines lease presented, pay one year in advance, 5% increase in one year, \$100 month rent from 12/12/01 to 12/11/02. Approved for one year.

Dolly Williams, 6620 Jefferson St., gray house - Councilwoman Bailey wants to know why all these other people are involved in the town center property. Councilwoman Stutz states she and Councilwoman Scarbrough are trying to get leases for everyone. Stutz and Scarbrough would like to get Alan Gossom out of it. Stutz wants a letter to each tenant regarding a lease and their rent payment goes to the town, not Alan. The committee needs to send a lease to Dolly Williams and need a credit check. All new tenants need leases.

Leasing unit #4 & 5 - Mayor Kapp asks if we want to widen the hallway. Councilwoman Stutz and Scarbrough will go over that with Mr. Lowery.

Jinn/Bang sublease agreement release, 15010 Washington St. - Councilwoman Stutz moved to charge Jinn \$600 for council and administrative expense plus attorney fees, second by

Councilwoman Scarbrough. Ayes: Stutz, Scarbrough, Utz, Bailey. Nays: None. Motion carried by 4/0 vote.

Zoning Text Amendments

Sec. 12-214(1) banners - Tabled to rework.

Sec. 12-214 B-3 banner - Councilwoman Stutz moved to withdraw from the table, second by Councilwoman Scarbrough. Ayes: Stutz, Scarbrough, Utz, Bailey. Nays: None. Motion carried by 4/0 vote.

Sec. 12-112 B-1 district use - amend to 12,000 square feet, not 3,000 sq. feet. Councilwoman Scarbrough moved to withdraw from the table, second by Councilwoman Stutz. Ayes: Stutz, Scarbrough, Utz, Bailey. Nays: None. Motion carried by 4/0 vote.

Sec. 12-214(2) B-1 temporary banner - Councilwoman Scarbrough moved to withdraw from the table, second by Councilwoman Stutz. Ayes: Stutz, Scarbrough, Utz, Bailey. Nays: None. Motion carried by 4/0 vote.

Sec. 7-50 Annual license tax; rate schedule increase - Clerk states council needs to adopt the increase to be retroactive to January 1, 2001 to balance the budget for FY 2002. Councilman Utz moved to increase as outlined in Sec. 7-50 effective 1/1/02, second by Councilwoman Scarbrough. Councilman Utz amended (3) professional/financial \$.15 to \$.13/\$100, second by Councilwoman Scarbrough. Ayes: Stutz, Scarbrough, Utz, Bailey. Nays: None. Motion carried by 4/0 vote.

Sec. 12-116 B-1 height regulations - Councilwoman Scarbrough moved to approve, second by Councilwoman Stutz. Ayes: Stutz, Scarbrough, Utz, Bailey. Nays: None. Motion carried by 4/0 vote.

Sec. 12-1 Definition of Antiques - Councilwoman Stutz state this definition came from the dictionary. Councilwoman Bailey moved to approve, second by Councilman Utz. Ayes: Stutz, Scarbrough, Utz, Bailey. Nays: None. Motion carried by 4/0 vote.

Sec. 12-1 definition of street or road - Atty Arledge says the questions is why you need to define for zoning purposes. Clerks says it was due to R-2 & R-1 districts. Councilwoman Bailey moved to approve, second by Councilman Utz. Ayes: Stutz, Scarbrough, Utz, Bailey. Nays: None. Motion carried by 4/0 vote.

Sec. 12-1 definition of Trailer - Councilman Utz moved to approve, second by Councilwoman Stutz. Ayes: Stutz, Scarbrough, Utz, Bailey. Nays: None. Motion carried by 4/0 vote.

Sec. 12-1 definition of Travel Trailer - Councilwoman Stutz moved to adopt with changes 35' to 45' in height, second by Councilman Utz. Ayes: Stutz, Scarbrough, Utz, Bailey. Nays: None. Motion carried by 4/0 vote.

Sec. 12-162 Use Regulations I-1 district - Councilwoman Scarbrough moved to permit B-1 and B-2 uses in I-1 district, second by Councilman Utz. Ayes: Stutz, Scarbrough, Utz, Bailey. Nays: None. Motion carried by 4/0 vote.

Bereavement Leave

Councilwoman Bailey moved to approve six days pay for bereavement leave to Jeannie Heflin due to the death of her mother and sister, second by Councilwoman Scarbrough. Councilman Utz thinks we should note due to extenuating circumstances and amend our employee handbook for bereavement policy. Ayes: Stutz, Scarbrough, Utz, Bailey. Nays: None. Motion carried by 4/0 vote.

Christmas bonuses for employees

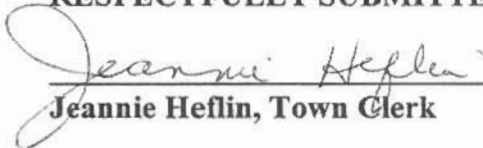
Councilwoman Scarbrough brought up this matter. Councilman Utz does not want to discuss this. Mayor Kapp says no as the budget is tight. Councilwoman Stutz asks if council members can give personally. Atty Arledge says yes, personally is okay.

Councilwoman Scarbrough moved to give employees Christmas bonuses, second by Councilwoman Bailey. Councilwoman Scarbrough states it could come from the discretionary line item. Councilwoman Stutz thinks it should be based on employee longevity, not across the board. Councilwoman Stutz suggests \$150 for senior people, Roop and Heflin and \$100 for Breeden, Nicholson & Copenhaver. Councilman Utz states this is a government body and employees have great benefits and we are raising taxes on businesses. Councilman Utz is in agreement the workers are deserving of money and gifts but he is not in agreement to give at this time. Atty Arledge states he is not familiar with any jurisdictions that gives bonuses. Councilwoman Stutz asked about giving employees a ham or something like that. Atty Arledge states 15.2-1508 states bonuses for employees may provide for officials and employees monetary bonus for exceptional service rendered authorized by ordinance. Atty Arledge states a codified ordinance is not necessary, no public hearing required, but must be written. Atty Arledge states the ordinance can be reduced to writing at this time and you vote on it. Atty Arledge states towns and cities are not required to have a public hearing but often do hold a hearing for public knowledge. Councilwoman Scarbrough withdrew her motion, Councilwoman Bailey withdrew her second. Councilwoman Scarbrough says all employees have done extraordinary service. She will write up an ordinance and bring to the public hearing January 7.

Adjournment

Meeting adjourned at 10:28 p.m.

RESPECTFULLY SUBMITTED:


Jeannie Heflin, Town Clerk

APPROVED:


John R. Kapp, Mayor