

TOWN OF HAYMARKET
Chartered in 1799
County of Prince William

TC 10/6/11

MAYOR
John R. Kapp

ATTORNEY
John Arledge

COUNCIL
James Shepard, Vice Mayor
Nancy Bailey, PC Liaison
Tom Utz, Building Official Liaison (absent)
Mary Lou Scarbrough, ARB Liaison
Pam Stutz, Hist. Comm. Liaison
Doug Mohr, Police Dept. Liaison

Mayor Kapp opened the meeting of the town council at 7:30 p.m. Rev. John Patterson, Gainesville United Methodist Church, led the council in prayer.

Citizen's Time

Mr. Bear didn't think the town of Haymarket would come to collusion and limit the citizen's time to three minutes. He suggested the Town Council have council time, 15 minutes each, to say what is on their mind, every other month.

Phil Harrover states he has been in town for many years, he doesn't know of a time when it was spread all over the papers. He sat in the mayor's place many years ago. The council must come together and get along. The retreat and who is going to pay for it is the citizens. He asks if the stuff Jack was doing ^{was} done without council's awareness or was he told not to do it? Let's keep Haymarket business in Haymarket. The potential tenants across the street (Christopher Consultants) have been denied, he asks, why turn them away?

Mrs. Leonard ditto's what Mr. Harrover said. Citizens are embarrassed and ashamed. Most [allegations] are half-truths - re: retreat. Why not get the pastor to do it. Four people go to the same church. The citizens think it is political, for personal gain. She has heard from two reporters that council members are going to run for mayor. If they don't get along, bite your lip and get along.

Old Business

Shared Parking - Joe Contrucci referred to parking standards for multi family parking. Mr. Contrucci requests site plans for 14890 and also 14937 be approved.

Town parking ordinance regarding multi-family property amended October 30, 2000, old provision minimum was replaced by two and one half parking spaces ~~not one~~. When competing with close by jurisdictions, council should look at that. He requests council consider a zoning text amendment requiring one space per unit - requesting to use Prince William County requirements. He also requests council to approve site plans, which have been in front of them for quite some time. Mr. Contrucci proposed to adopt the plans with shared parking plan for one year and he will report back to council whether it is working. All commercial parking will move to 6601 Jefferson Street (the post office building), which the Contrucci's own, which is within 600 feet from the sites. Mr.

Contrucci says the council approved the Old Bank (14945 Washington Street) parking on the Winterham (15101 Washington Street) property [for off site parking]. There is 2600-2700 square feet Old Bank parking on the lot, now there are 14 vehicles parking. If it did not work, he can park on overflow of 17 commercial spaces within 600' of each building. There would be a signed easement to require the overflow to the 6601 Jefferson Street location. He agrees the building needs to be independent. If it fails all the council has to do is order him to designate commercial parking to the 6601 Jefferson Street site.

Mr. Contrucci states in the 600' rule you can only shift commercial parking. Mayor Kapp asks if the residential spaces will be designated. No, the ordinance does not require the residential parking to be designated. Mr. Contrucci states shared parking is the only way they can use their property. The 6601 Jefferson Street parking is in the vacant part of the lot. Mrs. Contrucci states we don't require reserved parking for mixed uses.

Councilwoman Scarbrough asked if they have shared parking on any of their other properties. Mr. Contrucci states no. Mrs. Contrucci states they have mixed use buildings, which share parking, they met requirements when site plan approved.

Vice Mayor Shepard asked if they would use permit parking. Mrs. Contrucci says if they had problems they may do it.

Minutes of August 20 meeting

Vice Mayor Shepard moved to approve and note corrections and dispense with the reading, second by Councilwoman Stutz. Councilman Mohr says Chief wants carpet only in his office [page 3]. Mayor Kapp will peruse for any additional corrections. Yeas: Shepard, Bailey, Scarbrough, Mohr, and Stutz. Nays: None. Motion carried by 5/0 vote.

Police Report

Councilman Mohr reported. He submitted the Reserve Association Bylaws for perusal. He states they have four applicants who qualify for police officer.

Expense request Councilman Mohr requests \$8,000 for police radios, \$12,000 for radios is in the budget.

Reserve police Atty Arledge says council has to pass an ordinance to create a reserve force of police. Atty Arledge says we will have to advertise. Atty. Arledge will write up a code amendment. He'll e-mail it to council.

Camera system - estimates will be here tonight. Leaberry put in \$16,000 priced out at \$15,500. Town hall came in at \$1,500 for security.

Truck Parking - Mr. Leaberry requests the Police Department to enforce "no parking" signs that are already up. Atty Arledge states the town needs to establish a parking ordinance with fines. The fines would go to the town hall and distributed by council.

Public hearing state code 46.2 - Atty Arledge states the state code says towns can enforce signs on private property. Localities can establish an ordinance for parking on private

property. Atty Arledge will write up the ordinance.

Mr. Lowery states the fire lanes are under fire marshal authority. Mr. Lowery asks that the ordinance will cover fire lanes on the front and rear also. He asks that the Police Dept. enforce it. Atty Arledge to add in the ordinance.

Business License

Oak Ridge Inc., Bleight Drive - Councilwoman Stutz moved to approve, second by Councilman Mohr. Yeas: Shepard, Bailey, Scarbrough, Mohr, and Stutz. Nays: None. Motion carried by 5/0 vote.

Haymarket Land Development, LLC - owner of property on Bleight Drive. Councilwoman Stutz moved to approve, second by Councilwoman Bailey. Yeas: Shepard, Bailey, Scarbrough, Mohr, and Stutz. Nays: None. Motion carried by 5/0 vote.

Cedar Forest Cabinetry & Millwork, 6860 St. Paul Drive - Councilwoman Scarbrough asked if they need HOA approval. Yes. Councilwoman Bailey moved to approve, second by Councilwoman Stutz. Councilwoman Stutz asks if there are employees. No employees. Homeowner part time work. PC approved. Councilman Mohr asked about outside storage of wood. No, there will be none. Atty Arledge states you can restrict other than what the ordinance allows.

Construction Permit

McDonalds, 6740 Leaberry Way, flag pole - PC and ARB approved stipulating only American flag may be flown. Councilwoman Bailey move to approve, second by Vice Mayor Shepard. Yeas: Shepard, Bailey, Scarbrough, Mohr, and Stutz. Nays: None. Motion carried by 5/0 vote.

Business License

Anthony Lewis, Design & Fitness, 6715 Leaberry Way, rehab center, fitness center - Council has not adopted fitness center use in the I-1 district. The PC asks council to approve contingent on adoption of the zoning text amendment. Councilwoman Bailey moved to approve contingent on adoption of the fitness center zoning text amendment, second by Vice Mayor Shepard. Atty Arledge thinks this would come under fitness use, not medical, unless a doctor runs it. Yeas: Shepard, Bailey, Scarbrough, Mohr, and Stutz. Nays: None. Motion carried by 5/0 vote.

Haymarket Baptist Church, 14800 Washington Street - information council requested has not been submitted yet. Follow up.

Subdivision Plan/Site Plan

Villages at Haymarket, Bleight Drive - Chuck Henegar requests final approval. PWCSA has asked them to move the water line to Bleight Drive. Oak Ridge will put an 8" line and easement to Harrover property, will be added to plan and plat. Councilman Mohr asks about Greenhill Crossing run off being dumped in the dry pone. Mr. Payne asked them to check the runoff across Route 55 off Rohrbaugh property. Mr. Henegar says he checked and it is fine. It does go to section 9 pond. Mr. Henegar says his letter is a response

letter. Mayor Kapp asked if all VDOT comments were addressed. Mr. Henegar says there is a VDOT approval letter.

Councilwoman Bailey says the PC has not had an opportunity to go over these comments. Councilwoman Stutz states all comments have come back okay. Councilwoman Stutz says they indicated the HOA would assume responsibility of the maintenance facility. Council needs to have a copy on file. The mayor and legal counsel need their signature on the plat. The town needs a copy of the recorded deed for the town record. Councilwoman Stutz moved to approve as submitted since all paperwork has been submitted and approvals are in, second by Councilwoman Scarbrough. Yeas: Shepard, Bailey, Scarbrough, Mohr, and Stutz. Nays: None. Motion carried by 5/0 vote.

Site Plan Review

14900 Washington Street, addition with two apartments (one bedroom each) above - Mayor Kapp states council can approve now and commercial parking to be off site until parking issue is resolved. The PC did not approve this since there is no shared parking. PC did not look at this with off site parking. Mr. Contrucci asks for approval of site plan with off site parking and have benefit of lowered parking requirements. Mr. Contrucci says language to site plan with off site parking. Atty Arledge asks if Mr. Contrucci has identified the off site parking property. Mayor Kapp asked if the PC looked at the plan at all. Councilwoman Bailey says they did, the set backs are okay. Mr. Payne looked at it also. Councilwoman Bailey does not see why it should go back to the PC. Councilman Mohr says there is a dumpster there [14890 Washington Street], will it be fenced and asked if the ARB should see it. Mrs. Contrucci says the dumpster is fenced. Councilman Mohr says we have approved site plans [without addressing everything on them] and we have to live with it. Atty Arledge states the site plan must state the fence around the dumpster must meet the ARB guidelines. Mr. Lowery states he doesn't think the code requires it as Shoppes at Haymarket didn't have a fence on their dumpster. Mr. Contrucci will commit to fencing the dumpster per ARB guidelines. Councilwoman Stutz asks for clarification of the square footage parking requirements for 14900 Washington St. and how it works. 4.5 parking spaces for apartment, 8 commercial spaces required = 12.5 spaces required = 13 spaces. The five short would have to go to the Jefferson Street property if Mr. Contrucci cannot show the shared parking doesn't work. Mr. Contrucci wants to adopt with all commercial spaces at post office property. If the town changes the ordinance he will be able to move commercial parking.

Councilman Mohr asks if we entertain shared parking on a twelve-month basis can the council do that? Atty Arledge says it is a zoning ordinance. When zoning text amendment is passed anyone under the ordinance would be grand fathered. Councilman Mohr wants to know if council can approve for twelve month study. Mr. Contrucci states Southridge and Belmont property site analysis; the developer has to show the plan is working. Mr. Contrucci would have to demonstrate that it works for this particular property. The ordinance acknowledges the plan analysis. The fall back is the town has the 600' off site parking. Councilman Mohr is concerned shared parking is for counties and cities; in a small town it is not usual. Mr. Contrucci states retail does not work for shared parking, office/residential doesn't work due to the hours of parking needs. Councilman Mohr asks if this across the board use could be by right. Mr. Contrucci says

Items of concern to Council

- Town Audit, Municipal code
- Police Department move, Police Department Rent/Security Agreement
- Youth Center
 - Fire Doors in building #2 Town Center, Build out of shell in building #2, 2nd floor
 - Coalition Space, Town Parking
 - Sector Plan (comments)
 - Banners (enforcement)
 - ✓ Red Rooster railing, foundation, 2nd floor fumigation
 - Walk thru/punch list (water still ponding, concrete cracking, streetlight base not flush, water runoff problem at grocery store, damage to Linda Farr's retaining wall, front steps at town hall)
 - Lawn maintenance snow removal, Employee handbook
 - Shrink swell policy/cross connection agreement
 - TEA-21 funds, Gray House, Retreat
 - Burgess & Niple Billing
 - Dumpsters for town center, Reduction of streetlights and or wattage along Washington St. - 2
 - Traffic light on Jefferson St., Timeline for next phase of streetscape
 - How to repay enhancement/town center loan
 - Cleaning of rent able space in grocery bldg.
 - Grocery store signs
 - Holiday decorations
 - List of people who purchased streetlights, park benches, etc.
 - Brick planters, Town events sign, Town center façade

10-1-01

To: The HAYMARKET TOWN COUNCIL
From: John Cybulski, HAYMARKET TAX PAYER
Subj: Proposed HAYMARKET BUSINESS RETREAT

HONORABLE COUNCIL,

Through the grapevine I have heard that the Haymarket Town Council plans to hold a business retreat meeting, out of town at a private location, at the expense of over \$1750 of Haymarket citizens' tax money. I object to the proposed retreat as I feel this seems like a weekend vacation rather than a business meeting which should be held in the town's meeting room. If you took a citizens poll I'm sure most of Haymarket's populace would vote against this retreat. This boondoggle would be a good tidbit for the local news paper.

Very Respectfully
John R. Cybulski

TOWN OF HAYMARKET
Town Council Meeting Agenda Oct. 1, 2001

Please add these items to the agenda, Nancy.

17. Building Inspector - Shrink/Swell Policy, Cross connection agreement, Q-Stop, *Investigation of Red Rooster, Fumigation of Red Rooster.*

18.C. *Full Accounting of money spent on Town Center, or under contract for Town Center. Want to see copies of all contracts for work being done at Town Center. Want to see copies of all inspections done at Town Center and when they were done. Want to see approved plans to Town Center and not just drawings done by Jack. All of these should be at Town Hall. If the town requires plans for interior remodeling, electrical, plumbing, mechanical, change of bearing beams, etc. of everyone else in town then the town is not above our own ordinances. Would like an explanation of status of construction.*

G. Add on lawn maintenance, contract review, put out for bid.

N. Apology to Town Clerks on their job performance & to Jeannie re: electricity on Ayers Lot. Address letter sent by Mayor Kapp to council and Jeannie re; post office box mail.


O. Accounting of money from auction by Mayor Kapp - report never given but requested. He was also to talk to Mr. Bolton for charging the town when mayor told us that it was being done pro-bono.

P. Citizens survey to be included in news letter to get their feedback on the lighting on Washington Street.

GUARANTEE

The undersigned guarantees payment and performance of all the obligations set forth in the Quarles Petroleum, Inc. credit application for (print name of applicant as appears on the credit application) MATT HIMES

Further it is understood that all the information in the credit application is correct, and that Guarantor(s) has read and understands the printed portion of the credit application. It is further understood that, if the Debtor does not pay under the terms of the credit application as set forth, Guarantor(s) would be responsible for the total amount of the debt including interest and attorney's fees as set forth on the back of the credit application.

x 
Guarantor

x 10/02/01
Date

x MATT HIMES
Print Name

x 226-35-1084
Social Security #

Guarantor

Date

Print Name

Social Security #

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October 1, 2001

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Councilman Mohr says there is a dumpster there [14890 Washington Street], and asks if it will be fenced and asked if the ARB should see it. Councilwoman Bailey says re: trash dumpster, the ARB guidelines shall be the responsibility of the developer. Mrs. Contrucci says the dumpster is fenced. Councilman Mohr says we have approved site plans [without addressing everything on them] and we have to live with it. Atty Arledge states the site plan must state the fence around the dumpster must meet the ARB guidelines. Mr. Lowery states he doesn't think the code requires it as Shoppes at Haymarket didn't have a fence on their dumpster. Mr. Contrucci will commit to fencing the dumpster per ARB guidelines. Councilwoman Stutz asks for clarification of the square footage parking requirements for 14890 Washington St. and how it works. 4.5 parking spaces for apartment, 8 commercial spaces required = 12.5 spaces required = 13 spaces. The five short would have to go to the Jefferson Street property if Mr. Contrucci can not show the shared parking works. Mr. Contrucci wants to adopt [the plan] with all commercial spaces at the off site property. If the town changes the ordinance he will be able to move the commercial parking.

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Councilwoman Bailey states we could include in the ordinance if there is a change of use it has to come back in for a re-study. Councilwoman Stutz states we need to change the ordinance to a lower parking requirement. Councilman Mohr asks if another property comes in exactly like this, but we don't want it, does the council have the right to deny. Atty Arledge says you have to treat everyone the same way, a government body can't disapprove just because council doesn't

like it. Councilman Mohr wants council to be very careful what would be in the future. Councilman Mohr states the residential use would take all of the parking at this point. If the ZTA is not approved there would not be any commercial parking on the lot.

Mr. Luerson, a citizen, states Jefferson Street is a little difficult to access on foot. Is there any requirement for walking from the offsite parking lot regarding safety. No requirement, the council said.

Councilman Mohr states currently all spaces are for residential uses, none for commercial. Councilman Mohr states in reality that isn't going to happen. Mr. Contrucci states the Old Bank has off site parking that works now. Councilman Mohr states there is no residential uses in the Old Bank building so it is different.

Councilwoman Stutz states she is basing her opinion on changing the ordinance to require less parking. Occoquan requires one space per 400 square feet net except historical overlay is one space per 800 square feet.

Mr. Contrucci says he would like to have the availability to substitute the parking lot as long as it is within 600' of the facility.

Councilwoman Bailey moved to approve site plan for 14890 Washington Street with the stipulation that Mr. Contrucci make a note on the plan regarding the fence, dumpster will be approved by the ARB and provide for parking within 600 feet off site, second by Councilwoman Stutz. Yeas: Shepard, Bailey, Scarbrough, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote. Atty Arledge to help with shared parking plan ordinance.

Contrucci, 14937 Washington Street, new building - Mayor Kapp asked the size of the existing Old Bank Building, 2650-2700 square foot. Mr. Contrucci states there are 14 parking spaces in current leases. Mr. Contrucci states non-commercial will be at risk he believes. The PC looked at this, comments are back from Mr. Payne and drainage problem has been worked out.

Councilwoman Stutz says the plan is three parking spaces short on Old Bank building lot. Mrs. Contrucci states the new spaces will have to be paved. Mayor Kapp says as soon as the building is built he has to pave the parking area. Councilman Mohr asks if the paving is on the plan. Mayor Kapp says it has to be paved with the construction permit. Councilman Mohr says it has to be paved with the site plan approval. Councilwoman Bailey moved to approve the site plan with the stipulation of 600' off site parking is on the plan and pursuant to Sec. 12-11.10 requirement "every parcel of land..shall be surfaced with asphalt or concrete," and lights to illuminate away from adjoining property in residential district, second by Vice Mayor Shepard. Yeas: Shepard, Bailey, Scarbrough, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote. Mr. Contrucci to submit revised site plan.

Rezoning application

14845/14851 Washington Street - applicant requests to withdraw the application due to misinformation about the size of the parcels. They would like a refund of the application fee. Mayor Kapp asked what the engineers bill is. The clerk said we have not received the bill.

Atty Arledge says you may not want to establish a precedent to refund without establishing a policy specific to circumstances. Mr. Lowery says it is on the fee schedule that fees can be refunded like the construction permit. Councilwoman Stutz says applicant needs to submit a written request for refund of money. Mayor Kapp says we need to pay the costs to the town.

Councilwoman Stutz moved that permit fees to the town are refundable less the administrative fee and associated costs, second by Councilwoman Scarbrough. Councilman Mohr says when we adopt a new form we include that. Yeas: Shepard, Bailey, Scarbrough, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote.

Police Dept

David Taylor, Orion Security Systems submitted his bid. Total is \$15,175.85 lower on total \$15,200 from \$16,000 Leaberry preferring. Thirty nine dollars a month includes maintenance monitoring for a five year period. \$39 billed semi annually. Councilwoman Stutz asks if it is both systems [police dept and town hall office]. Councilman Mohr says yes it is both systems. Councilman Mohr says the expense is in the PD budget.

Councilwoman Stutz moves to spend the money in budget line item for security system from the \$7,000 fit out of Police Dept. Need to take out \$39 month from operating budget. This does not include the computer itself. Councilman Mohr thinks he will have enough in the \$7,000, second by Councilwoman Scarbrough. Yeas: Shepard, Bailey, Scarbrough, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote.

Atty Arledge asks if there is any agreement document, the quid quo pro, in writing. Councilman Mohr states he does not have anything in writing yet. Atty Arledge only has a lease with a certain dollar amount. Mrs. Leaberry asked Atty Arledge to write up the agreement. Atty Arledge says the security is part of the property maintenance agreement with Mr. Leaberry's tenants. Councilman Mohr says Mr. Leaberry can't collect fees if there isn't a security system. Atty Arledge only has the lease part and needs the security agreement. Councilwoman Stutz thinks Leaberry is going to receive the dollar amount [rent] and reimburse it to the Police Dept.

Haymarket Self Storage, 6600 Kapp Valley Way - release of bonds

Mayor Kapp asked Mr. Lowery for an update on concerns. Mr. Lowery says the project is totally complete. He requested \$550 be kept for E&S inspections and \$1,000 from the conservation bond until maintenance agreement is submitted to council. Trash from the shopping center will end up in the pond and will need to be cleaned out and be mowed routinely. Atty Arledge told him the property owner is responsible for maintenance. Mr. Lowery says with the new owner letter submitted he is comfortable with releasing all but \$550 for E&S inspection fee.

Councilman Mohr asked if the county has taken over all storm water management ponds. Mr. Lowery says Fairfax has taken over all ponds as of six months ago. He has not been able to confirm that Prince William County is taking over now.

Councilwoman Bailey moved to return all bond money except \$550 to be held for E&S inspections, second by Councilwoman Scarbrough. Yeas: Shepard, Bailey, Scarbrough, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote.

Gull Corporation - ISTE A construction contract

Councilwoman Scarbrough asks what is on the punch list. 1) top stone on entry walk to the town hall, 2) town hall park sign, 3) evergreen tree, 4) stone into town hall park is part laid in concrete and park laid in dirt. Mayor Kapp states they agreed to raise each step until it is level at the top step. #5, 6, & 7 street lights are not level. Councilwoman Stutz states light on the corner is four inches above ground. Councilman Mohr says there was a reason it wasn't set in lower. Councilwoman Stutz says water sits there when it rains, it is deteriorating. Mr. Harrover says the brick needs to be brought up to the concrete. He says the bases of all the lights look terrible. Councilwoman Scarbrough says there is concrete cracking on Jefferson Street and Washington Street. Councilman Mohr says there isn't enough sand under the brick. Councilwoman Scarbrough says they haven't shown they have done a good job. Councilman Mohr says replacing the tree will be very expensive. Councilwoman Stutz, Bailey and Scarbrough and Councilman Mohr are not anxious to release the money. Councilman Mohr suggests a couple of council members walk the street and draft a letter to Gull. Councilwoman Scarbrough asked if anyone walked with them the last time. VDOT and Gull were there. Mr. Lowery asked if VDOT inspected the concrete. Councilman Mohr says yes, there are some problems at the grocery store.

Councilwoman Bailey moved to hold Gull Corp money, she would like them to come in and address council because they haven't fixed problems to council's satisfaction and the money remaining in the contract is not sufficient to do the repairs, second by Councilwoman Scarbrough. Councilwoman Stutz thinks council should meet them on the street and have them tell council what they will do. Councilman Mohr asks if council can put in the newsletter if citizens have any issues with the street to identify problems with a deadline. A citizen said it would be good to have a trained eye look at it with council. Councilwoman Bailey says council wanted to have Mr. Payne walk the last time.

Councilwoman Bailey withdrew her motion, Councilwoman Scarbrough withdrew the second.

Councilwoman Bailey moved that at a specified time Mayor Kapp, Mr. Payne and all council members who can will walk the street noting problems and then contact Gull and point out to them, second by Councilwoman Stutz. Yeas: Shepard, Bailey, Scarbrough, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote.

Notify for public meeting. Atty Arledge states requirement is a notice on the door and in public places for three days prior to the meeting. Councilwoman Bailey moved to revisit motion to include payment to Mr. Payne out of Gull's money, second by Councilwoman Stutz. Yeas: Shepard, Bailey, Scarbrough, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote.

Burgess & Niple - E&S Program Administrator fees

Mr. Lowery states he has contacted Art Woods but he is not responding. George Cropp states he knew Mr. Lowery was doing the E&S program administration. Councilman Mohr says the reason they continued charging the town was they didn't have final reports. Mr. Lowery to pursue and report to council at the next meeting.

Town Center property

Mayor Kapp states he needs money, expended about \$12,680.06. Mayor Kapp states he has no

bids and he is out of funds. Mr. Lowery will complete inspections tomorrow. Mayor Kapp states the next needs are to put up the dry wall and install the grid ceiling system and the HVAC contractor can finish.

Mayor Kapp got a price of maybe \$2.50 sf for ceiling and \$19 a sheet to hang drywall. Councilwoman Stutz asked for bids from electrician. Mayor Kapp states he doesn't have them. Virginia Power did not get back to the electrician until last Thursday as Va. Power could not find our meter in the system.

Councilwoman Stutz states she heard the council bench does not fit in the new town hall. Mayor Kapp says it is a tight squeeze to keep it between the posts. Councilman Mohr wants to see the bids and proposals for review before approving any funds. Mayor Kapp states council has approved the floor plans. Councilman Mohr asks why council can't be included in the bid process. He states he has not approved the floor plans. Mayor Kapp says council did approve the floor plan, he changed the floor plan per council concerns after the last walk through.

Councilwoman Stutz states she would be willing to approve the drywall cost but wants to see the bids for the utilities. Mayor Kapp says the utility (electric) is a separate issue - not town hall - it is for the other space. Mayor Kapp says only the pro rata share of the town hall expense comes out of this money. Mayor Kapp says there is no problem with electricity for the town hall. Councilwoman Stutz thought the electrician proposal would include the town hall.

Councilwoman Stutz moved to allow \$10,000 be budgeted now and at the next meeting she wants a clear understanding of where the money is and have the bids. Councilwoman Stutz also wants to talk about the front facade for the town hall portion. Councilwoman Stutz asks if we voted on that facade, the Newlon design. Yes, the PC, ARB and council approved that design. Yeas: Shepard, Bailey, Scarbrough, Stutz. Nays: Mohr. Motion carried by 4/1 vote.

Councilwoman Stutz asks for the bid for the facade before the money is gone. Mrs. Leonard wants proof of council approval. Town Clerk to check.

Town Center upstairs, 15018 Washington Street - new HVAC installed - electric base boards are still there, eight of them at a cost of \$400 to remove and kill the electricity, carpenter maximum \$300 to put baseboard in paint, cut and install. Councilwoman Scarbrough asks why we are removing this. She says council is looking at the 1890 building (15020 Washington Street) with broken windows, the side of the building is falling in and the grocery store spend money on cleaning up the exterior rather than remove an aesthetic project.

Flags for Washington Street street lights

Mayor Kapp states he has been looking at flag books. Mayor Kapp can fit 27 flags for less than \$879. Vice Mayor Shepard moved to allot \$1,000 to purchase 27 flags with wood poles, Liberty, 3' x5' by World Class Flags, second by Councilwoman Stutz. Yeas: Shepard, Bailey, Scarbrough, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote.

Building Official

18th Century Haymarket - Mr. Lowery says Ryan Homes has been replacing the curb and gutter. Lot I driveway apron has to be replaced. The town pulled the VDOT permit and is required to

pay for it. Mr. Lowery went to the builder of the home who refused to pay. Ryan Homes put in the entrance ramp and wants to be reimbursed. Mr. Lowery asks who is putting in the 100' of sidewalk and drainage ditch required on the site plan. There is no bond. The Clerk says there is a letter of credit. Mr. Lowery asks if council can use it. Councilman Mohr says the water dumps out at the end. Mr. Lowery says that was an approved drain by VDOT.

Mr. Bolt told Mr. Lowery the town held the permit and is responsible for that. Mr. Mohr says Mr. Steketee said even though the town picked up the permit but not the responsibility. Atty Arledge to check it out and call Mr. Bolt. Mr. Lowery and Atty Arledge will meet Friday at 10 a.m.

Red Rooster, 15020 Washington Street, guard rail - The rail needs to be installed ASAP or Mr. Lowery will have to close the shop down. Mayor Kapp said we settled for the cost with Gull - ARB came up with a railing design that council approved.

Town Center property, 15018 Washington Street - Mr. Lowery says we have two tenants upstairs without complete bathrooms. We need to get telephone cords out of the hallway so someone doesn't trip on them. Mayor Kapp will contact phone company for a panel upstairs.

Coalition Against Hunger, 15000 Washington Street - Mr. Lowery had CAH looked at, will get bid. Power pole next to CAH needs to come out of the building. Mr. Lowery asks about compression unit upstairs, are they useable. Yes. Mr. Lowery says we were going to tear out the shed on asphalt. Mr. Lowery says we were to figure heat and A/C through wall units.

Phares, 15220 Washington Street - Mr. Lowery has had several complaints on Phares. He dug up Humphries property (the single family dwelling. It was on the site plan. Mr. Lowery advised him to contact an attorney.

Food Lion, 6701 Leaberry Way - Mr. Lowery will direct a letter about pile of debris, he has advised them four times, he will give them five days to remove or we'll have it removed. Food Lion is not covering the trash dumpster and produce is being thrown outside the dumpster, it needs a barrier around both dumpsters.

McDonald's - retaining wall/fence - town council to look at.

Q Stop - should be in by Thursday, Oct 4 to file for a restaurant use.

Building Permits - Councilwoman Bailey says Allison Lindner told her the county has not gotten building permits [for reassessments] for years, they are not getting their tax dollars and we aren't also. Allison sent for a property survey because they weren't getting the construction permits for reassessments. Mr. Lowery says he has sent the permits to Ken Baxter. Mr. Lowery will hand carry her a copy by Wednesday.

Councilwoman Bailey has a problem with him [Mr. Lowery] not keeping his records here in the town hall. Mr. Lowery will bring them in when they are final. Mr. Lowery has ten bank boxes of files and 35 rolls of drawings. Mr. Lowery can use the PD office when they move.

84 Lumber, 15151 Washington st.

Councilwoman Bailey needs approval for 84 Lumber to start their building. The problem is with the retention pond. Mr. Payne says the pond is at neutral low point for runoff of the whole site. Payne said storm water management pond needs to be where it is. Councilman Mohr disagrees, it shouldn't be on the street frontage, they can rearrange the buildings and put the pond behind the buildings. Councilwoman Bailey asks why Councilman Mohr approved the dumpsters on the street front.

Councilwoman Bailey moved to approve storm water management pond, approval of town engineer and PC, second none.

Mayor Kapp to call them. Councilwoman Scarbrough to bring it up at next ARB meeting.

14801 Washington Street

Mrs. Leonard says she is required to do a thirty foot easement on the east side of her property when she changes the use, not now. Clerk reminded council the subdivision approval was contingent on the plat being revised to show the driveway on the east side.

Council Retreat

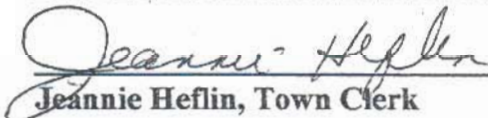
Vice Mayor Shepard wants to delay decision to the continuation meeting. Councilmembers Bailey, Mohr, Scarbrough and Stutz want to discuss this now. Vice Mayor Shepard does not.

Terry Karnes says the council has only seven months left before election and all the council may change after the election. Councilwoman Bailey moved to make plans to go on retreat November 16 and 17 at Graves Mountain Lodge for \$1700 from the training budget, second by Councilwoman Stutz. Councilwoman Stutz states Councilman Utz is not here and she prefers to discuss this when he is here. She personally feels this council will not let this [retreat] take place. Councilwoman Bailey withdrew her motion, Councilwoman Stutz withdrew her second.

Recess


Council recessed to October 10 at 7:00 p.m.

RESPECTFULLY SUBMITTED:



Jeannie Heflin, Town Clerk

APPROVED:



John R. Kapp, Mayor