

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

PUBLIC HEARING - ZONING TEXT AMENDMENTS

**MAYOR**  
John R. Kapp

**COUNCIL**  
James Shepard, Vice Mayor  
Nancy Bailey, PC Liaison  
Tom Utz  
Mary Lou Scarbrough, ARB Liaison  
Doug Mohr, PD Liaison (absent)  
Pam Stutz, Historical Comm. Liaison

**ATTORNEY**  
John Arledge, Smith & Davenport

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Mayor Kapp opened the public hearing at 7:03 p.m.

**Article 1. Sec. 12-1 - Car Wash, Self Service:**

A cleaning facility for motor vehicles, excluding tractor trailers and heavy construction vehicles, where the cleaning is physically performed by someone other than an employee, using supplies and water from the facility. A cleaning facility for motor vehicles, excluding tractor trailers and heavy construction vehicles, where the cleaning is performed by machines in a drive up manner.

**For:** First Call - no one spoke. Second call - Tom Utz spoke for. Third call - Nancy Bailey spoke for stating she had positive feed back from people in town. Mayor Kapp also states he spoke with people and had positive feed back.

**Against:** First call - no one spoke. Second call - no one spoke. Third call - no one spoke.

**Article 1. Sec. 12-1 Car Wash, Not Self Service:**

Any staffed cleaning facility for motor vehicles, excluding tractor trailers and heavy construction vehicles, in which the cleaning is performed by employees.

**For:** First call - no one spoke. Second call - no one spoke. Third call - Tom Utz spoke for. Nancy Bailey spoke for stating she spoke with people in the area who are in favor. A citizen asked where this will be located. In the B-2 district at the Q Stop facility.

**Against:** First call - no one spoke. Second call - no one spoke. Third call - no one spoke.

**Article VI. Planned Interchange Commercial District B-2**

**Sec 12-137 Use Regulations.** Add to permitted uses.

- (7) Car Wash, Self Service
- (8) Car Wash, Not Self Service

**For:** First call - no one spoke. Second call - no one spoke. Third call - no one spoke.

**Against:** First call - no one spoke. Second call - no one spoke. Third call - no one spoke.

**Article VI. Planned Interchange Commercial District B-2**

**Sec. 12-138 Requirements for Permitted Uses**

- (e) 1. The car wash shall not be within 500, five hundred, feet of any residential zone.
- 2. Car wash not self serving with detailing service shall be under cover, in an approved

building consistent with our Historic Overlay and Architectural Review Board requirements. The adopted street scape shall also be required.

3. Car wash hours of operation shall be limited to Monday through Friday 7:00 a.m. to 11:00 p.m., Saturday and Sunday 8:00 a.m. to 10:00 p.m.

4. All trash receptacles shall be designed to limit blowing trash and emptied daily. An employee must check the business twice daily for cleanliness of property.

5. Lighting shall be (16) feet high and approved by the Architectural Review Board. If lights exceeds 16 feet high a special permit shall be required and approved by the Architectural Review Board.

**For:** First call - no one spoke. Second call - no one spoke. Third call - no one spoke.

**Against:** First call - no one spoke. Second call - no one spoke. Third call - no one spoke.

**Article VII. Limited Industrial District I-1**

**Sec 12-162.1 Special Uses.** Add to special uses.

(16) Storage Lot for Boats, Travel Trailers and Motorhomes

**Sec. 12-163.1 Requirements for Special Use Sec. 12-162.1 #16**

1. All requirements under Section 12-9 Special Uses shall be met.
2. New site plan must be filed.
3. Storm water management plan must be filed.
4. Lot must be surfaced with asphalt or concrete.
5. Any lights used to illuminate area must be no higher than 28 feet and shall be approved by the Architectural Review Board.
6. Special Use permit shall be for a one (1) year period and be applied for annually.
7. All access roads and or bridges must comply to Virginia Department of Transportation specifications.
8. Approval must be obtained from railroad if vehicles must cross railroad tracks to gain access to storage facility.

**For:** First call - no one spoke. Second call - no one spoke. Third call - no one spoke.

**Against:** First call - no one spoke. Second call - no one spoke. Third call - no one spoke.

**Rezoning Residential 1 to Business 1, 15120 Washington Street**

**For:** First call - no one spoke. Second call - Christine Barringer spoke for. Third call - no one spoke.

**Against:** First call - no one spoke. Second call - no one spoke. Third call - no one spoke.

**Public hearing closed at 7:12 p.m.**

**Susan of Glory Happy Hats made a presentation for council**

They seek a site for their national headquarters of 3,000 square feet.

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

**REGULAR SESSION**

**MAYOR**  
**John R. Kapp**

**ATTORNEY**  
**John Arledge, Smith & Davenport**

**COUNCIL**  
**James Shepard, Vice Mayor**  
**Nancy Bailey, PC Liaison**  
**Tom Utz**  
**Mary Lou Scarbrough, ARB Liaison**  
**Doug Mohr, PD Liaison**  
**Pam Stutz, Historical Comm. Liaison**

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

**Citizen's Time**

Christine Barringer - regarding the Welcome Booklet - Piedmont and Greenhill Crossing are very interested. She wrote a vision based on information she has gathered. She would like feedback from Council. Ms. Barringer submitted a draft copy for Council to review. She asked Council to appoint a liaison from the Council. Councilwoman Bailey moved to appoint Mary Lou Scarbrough as editor of the Welcome package, second by Councilman Utz. Mayor Kapp wants the motion amended to full concurrence from Council before approval. Council agreed it can be administered through Councilwoman Scarbrough. Ms. Landwehr would like to see the booklet prior to publishing. Yeas: Bailey, Scarbrough, Utz, Stutz, Shepard. Nays: None.

Mrs. Turner asks what Council knows about fiber optic cable going around town. Mr. Durham says it is coming here from Montana. Mayor Kapp says Mrs. Turner received a letter stating fiber optic cable will be buried in the railroad right of way. Vice Mayor Shepard says it will be a communication cable. There is a lawsuit that has to do with the railroad right of way is for railroad use only. Vice Mayor Shepard says there is no physical affect to people

James Finney, re: 6608 Jefferson Street-car dealer - Mr. Finney states the council changed the zoning a lot. When he bought that property in 1997 it was contingent on that use. In 1998 he came in and was denied [due the ordinance being changed].

Mayor Kapp states Atty Arledge checked the use and it is not a permitted use. Councilman Utz says he remembers there was great discussion about those lots. Mr. Finney says there was a change to the ordinance in the summer last year that allowed an additional floor to be built. He had no notification.

Mayor Kapp asks if he submitted a formal application for an antique car restoration or used car lot. Mr. Finney says he submitted to everyone and everyone was in agreement with it. He says Mayor Kapp said that all the car lots would be jealous that he had a display lot. Mr. Finney says he did make a formal submission at a formal meeting. Mr. Finney said he brought up a plan that was three quarter finished and he left here [when the clerk was away]. Mr. Lowery called him and screamed at him that he couldn't do it [build a building like that] it has to be 100% brick or 100% stone. Mr. Finney says Mr. Lowery stopped him half way through.

Mayor Kapp says he should have submitted his plans to the Council. Mr. Finney asks why Mayor Kapp let Mr. Lowery call him. Atty Arledge states a used car lot is not a use of right or special use exception as of 1990.

Mr. Finney asks why he was told in 1997 that was a use by right. Mayor Kapp states he recalls Council agreed to the car restoration, not a car lot. Mr. Finney says Council agreed to his use. Mayor Kapp says Mr. Finney never submitted formally. Mr. Finney said Mr. Lowery cut him off. Councilwoman Scarbrough states Mr. Lowery has no say about buildings and uses in town. Mayor Kapp says Mr. Lowery has authority over building code issues.

Mr. Finney says that is easy to say three years later. Mr. Finney states he will sue the town. Mayor Kapp says he tried to call Mr. Finney. Mr. Finney says it was two weeks later. Mayor Kapp states he [Finney] did not call back. Atty Arledge says Mr. Finney says he is going to sue the town and Council should cut off the conversation.

Daryl King asks what denomination Happy Hats is affiliated with. She says they are a non-denominational 501(c)3 organization.

Daryl says his car wash will fit the architectural detail of the town. He has an artist rendering for review. [Council did not ask to see it.] He has had several meetings with Quarles group.

Councilman Utz says one requirement is trash pick up twice daily. Daryl says facility will be manned by a top notch man, very customer oriented. This will not be a typical car wash facility. When they firm up their goals they will be available to everyone.

Councilman Utz asks ratio of detailing to self service. Daryl has four manual car bays and one auto bay up to smaller double axle bay and three detailing bays. A resident asks about environmental impact. Daryl says the town water and sewer system will be used. Daryl says typical car takes sixteen gallons, their goal is to cut to six to nine gallons with sludge and storage tanks, using reverse osmosis. There are no toxins he is aware of.

Rex Phares, Witcher property. He thought he had grounds for a suit. He was told the zoning laws changed, no contractor use permitted. Mayor Kapp says by special use permit. Mr. Phares says you can't take away what he had. Mr. Phares says his broker was told by someone in here that contractors use was not permitted. Atty Arledge says if [property] is rezoned it does not necessarily give use. Mr. Phares states Mrs. Heflin told Dave Robinson this is not a use by right. Mrs. Heflin said she gave him the current zoning ordinance.

Mayor Kapp read a letter from Debbie Seffinga as she could not be at the meeting. The letter was regarding the \$21 lunch and she sent a check.

Mayor Kapp read his own letter.

**Minutes of April 23 and May 14 meetings**

Vice Mayor Shepard moved to dispense with the reading and approve with corrections noted, second by Councilman Utz. Yeas: Bailey, Scarbrough, Utz, Stutz, Shepard. Nays: None.

**Police Report**

Chief Roop reported [see accompanying].

**Treasurers Report**

First Virginia Bank general fund checking account beginning balance \$211,826.99, expenses for May \$124,861.77, deposits for May \$46,875.96, ending balance \$133,721.57. F&M Bank general fund checking account balance \$70,000. Total general fund checking accounts \$203,721.57.

**Unpaid Bills**

\$1721. Burgess & Niple

Councilwoman Scarbrough moved to pay Burgess & Niple, second by Councilman Utz. Yeas: Utz, Shepard, Scarbrough. Nays: Bailey, Stutz, Mohr.

Councilman Mohr states he understood we would not pay any additional bills when we don't understand it and we were to look at the bills. Councilwoman Stutz wants a copy of what money was received from VDOT and what has been paid. There is no line item on it. Councilman Mohr states if we have a new engineering firm for the town why haven't we transferred this to them. Councilman Mohr states we voted to stop using Burgess & Niple. We are not to continue on with them.

Councilman Utz states his question is we voted in Council to not use them, why weren't they notified it was over. Mayor Kapp states we voted for them to do ISTEAs, we voted not to do the E&S inspections. Mayor Kapp was to notify them, states Councilman Mohr.

Mayor Kapp states since they were in the middle of the engineering plans if we stopped in the middle it would be more expensive. Mr. Lowery says he brought up the plans can not be transferred to the town. Councilman Mohr asks if the plans do not belong to the town. Atty Arledge says he would have to look at the contract, they may have a copyright.

Mayor Kapp says plans on Phase IA have not been finished for utility location. Mr. Lowery says Virginia Professional License Plan the engineers seal would have to be removed, if we did not continue with them.

Councilwoman Stutz calls the question. Mayor Kapp states there are three yea and three nay votes. Mayor Kapp voted yea.

Councilwoman Stutz moved to get a complete survey of ISTEAs money spent, bills and where we are. She is confused about where the money goes and how it is spent, second by Councilwoman Bailey. In discussion Councilman Utz would like Atty Arledge to follow up and see if that is a moot point. Atty Arledge will take a look at that. Councilman Utz states he would like to see money spent in different phases in a graph/time line to know where we are at, what is applied for. The figures are vague to him.

**Change in engineering firm**

Councilman Mohr has concerns with continuing with them [B&N] due to an engineers seal, they will make mistakes and cover it up and it will be a never ending black hole of spending. . We're spending it today on engineering cost. We need to separate where the money is coming from.

Mayor Kapp agrees we need an update for ISTEAs expense. Councilman Mohr asks Councilwoman Stutz to include disclosure of all monies. Councilwoman Stutz wants a complete accounting. Councilman Mohr says issue is we have already taken money out on ISTEAs to cover shortages for ISTEAs.

Yeas: Stutz, Bailey, Mohr, Shepard, Scarbrough, Utz. Nays: None. Motion carried by 6/0 vote.

Councilman Mohr requests on check number column [on the treasurers report] he doesn't care about the check number. He cares about what budget items are charged to. Councilwoman Bailey agrees the treasurer may remove the check numbers on the report. To be removed.

#### **Police Department**

Councilman Mohr states PD needs \$3,000 for June operating expenses. They spent \$2,500 in May. Councilwoman Scarbrough asks if they have money in the budget. Yes, Councilman Mohr states. Mrs. Heflin asked for accounting of expenses since February, 2001. Councilman Mohr states he did not know they hadn't been submitted to the treasurer. Councilwoman Scarbrough moved to give Police Dept \$3,000 for June, second by Councilwoman Bailey. Yeas: Stutz, Bailey, Shepard, Scarbrough, Utz. Nays: None. Abstain: Mohr. Motion carried by 5/0/1 vote.

#### **Business License**

Haymarket Car Wash and Detailing Center, 15250 Washington Street site (incorrect address) - Councilman Mohr asks how we get a correct address. Atty Arledge states the county will assign an address. Councilwoman Stutz moved to approve, second by Councilman Mohr. Yeas: Stutz, Bailey, Mohr, Shepard, Scarbrough, Utz. Nays: None. Motion carried by 6/0 vote.

Hughes & Smith, Shoppes at Haymarket, construction contractor, 6740 Leaberry Way [McDonald's] - Mayor Kapp asks Atty Arledge if we can approve this with verification of where they are located. Atty Arledge says no since you won't know what you are approving. Tabled.

Back 2 Basics Preschool zoning issue - Councilwoman Bailey states LaDonna Gardner came to ask what she has to do to come into compliance [grade school issue]. Mr. Lowery states the issue is they will offer second grade. Mr. Lowery says if she doesn't go beyond what she has now [through first grade] they will be fine as long as they don't go to second grade. Mr. Lowery says since it is a pre-existing condition and since the town is putting in fire doors [it will comply]. Councilman Mohr says we discussed this use was after the code changes. Atty Arledge states first grade and up is an education use. Councilwoman Bailey says it is not a permitted use in B-1 district. She says Mr. Lowery states May 14 that the state code says grades one through twelve is education use and Atty Arledge states she [school owner] is in violation. Councilman Mohr says our concern is a code and safety issue. Ms. Gardner says Mr. Lowery says we are approved for kindergarten and she has blended kindergarten and first grade. Councilman Mohr says first grade and up has stiffer requirements by usage. Councilman Mohr says it is a state law issue not a town issue. Ms. Gardner says this is their third year of first grade and it hasn't been a problem. Councilman Mohr says [just because] it was done in the past we can't approve it.

Mayor Kapp asked Mr. Lowery to clarify. Mr. Lowery states under Article 1 of the code, as building official he has authority to grant code modifications on anything he wants to. He only found out on his first fire inspection she had first grade. He told her if she goes beyond first

grade she will have to get a different facility. Mr. Lowery says five first graders would probably be the maximum allowable. Councilman Mohr wants a letter stating the BOCA authority and asks Atty Arledge about liberal use of waivers. Mr. Lowery states the state code gives him the authority.

Atty Arledge states Sec 9 112-9 use by right, does not allow schools as of 1990. Councilman Mohr states we have to look at 501(c)3 with others coming in. We have to look at zoning as it is not a use. Ms. Gardner asks what it would take to add on elementary school use to the code.

Councilman Utz is concerned we are crossing the line in giving Mr. Lowery a lot of latitude and someone else may not look favorably on it. Ms. Gardner says her goal has always been to be a school. She would like to know she can stay in town with her school.

Mayor Kapp says Council can have a public hearing in July.

Mr. Lowery says the building will never qualify for a school because it is two storied. If we allow educational use it becomes a new building to the building official and would not qualify.

Ms. Gardner wants to continue the school here. Mr. Lowery says the school could go to the I-1 district. Councilwoman Bailey says it is not permitted use in I-1 either. Mayor Kapp says we would have to schedule a public hearing. Mr. Lowery volunteered to work with Councilwoman Bailey to work this out. Sent to Planning Commission.

Ms. Gardner wants to know if she can have one last year and then disband it. Councilman Mohr asks if there is any reason why anyone does not want to have grades one through twelve. Councilwoman Bailey asks for direction. She was told to make a use in all zones for July 2 Town Council and June 26 public hearing. Ms. Gardner asks if the first grade is out of the question for this year. Yes, it is out of the question legally.

Haymarket Baptist Church and Back 2 Basics Preschools gross receipts waiver question.

Councilwoman Stutz says we asked her as well as the Baptist church preschool why gross receipts are not required. Mrs. Gardner says 501(c)3, a corporation are exempt from tax. Atty Arledge says certain organizations have exceptions and asked Ms. Gardner what her exception is. She states it is a non-profit religious organization. She is no longer associated with a church, though. Atty Arledge says the General Assembly has exempted a number of organizations from tax. He will look into that.

Mr. Lowery states the Baptist Church preschool hooked up to water and released two children to comply. Councilwoman Stutz asked about the question of gross receipts. Atty Arledge was to write a letter to them. Haymarket Baptist Church preschool and Back 2 Basics gross receipts question to come from Atty Arledge.

**Construction Permit**

Luerson, 6752 Jefferson Street, deck - PC approved. Councilwoman Scarbrough moved to approve second by Vice Mayor Shepard. Yeas: Stutz, Bailey, Mohr, Shepard, Scarbrough, Utz. Nays: None. Motion carried by 6/0 vote.

Leake, 6944 Jockey Club Lane, deck - Councilwoman Bailey moved to approve, second by

Councilwoman Scarbrough. Yeas: Stutz, Bailey, Mohr, Shepard, Scarbrough, Utz. Nays: None. Motion carried by 6/0 vote.

Clemente, 6797 Fayette Street, deck - PC approved. Councilwoman Scarbrough moved to approve, second by Councilwoman Bailey. Yeas: Stutz, Bailey, Mohr, Shepard, Scarbrough, Utz. Nays: None. Motion carried by 6/0 vote.

Gillin, 6777 Fayette Street, gazebo - ARB and PC approved. Councilwoman Scarbrough moved to approve, second by Vice Mayor Shepard. Yeas: Stutz, Bailey, Mohr, Shepard, Scarbrough, Utz. Nays: None. Motion carried by 6/0 vote.

**Site Plan - bond approval**

McDonald's, 6740 Leaberry Way - bond approval needed. Atty Arledge states it is okay. His understanding is that is the amount approved by the engineer. \$27,044.96 performance bond. E&S paid in cash bond \$8,803.25. Councilman Mohr states that sounds low. Mr. Lowery states pre-existing site work bonded by Shoppes at Haymarket. Councilwoman Stutz wants confirmation of engineer approval on the plan. Mr. Lowery asks to table. Councilwoman Stutz asks for document to back up the amount. Councilman Mohr wants full document.

Railroad extension/site plan, 6610 James Madison Highway - Letter from engineer. Councilman Mohr says he understood this is not in the flood plain and this says it is. Mayor Kapp says it is not in the flood plain and this confirms flood plain is not affected. Councilwoman Bailey says this is approved by the PC. Mr. Lowery has no concerns. Councilwoman Bailey moved to approve railroad extension for RGR, LLC, second by Councilwoman Scarbrough. Councilwoman Stutz asks for amendment to include last paragraph of Payne letter. Councilman Mohr states this is in FEMA 100 year flood plain. Alice Hauss, Walsh & Colucci states Tom Davis, of Patton Harris feels approval of town site plan would be two separate issues of FEMA approval.

Councilman Mohr states since Council agreed not to approve anything with contingencies we should not approve this until we have FEMA approval and drainage.

Ms. Hauss states they have met Chesapeake Bay Act. She further states they reduced 10% of the area. They have contracted with FEMA and will comply with any issues from FEMA.

Councilman Mohr asks Atty Arledge's guidance approving something with contingency and asks Ms. Hauss if FEMA is the last approval needed. She says Dewberry & Davis and FEMA representative were not sure there would be any changes or modifications required.

Atty Arledge states if our engineer recommended approval it is okay to approve. Yeas: Stutz, Bailey, Mohr, Shepard, Scarbrough, Utz. Nays: None. Motion carried by 6/0 vote.

**Planning Commission**

Report submitted by Councilwoman Bailey. She brings attention to last paragraph of the report asking Council to add one more person to the commission in next years budget. Also letter from NVRC regarding help with the comprehensive plan update. There is no help until next spring. Councilwoman Scarbrough asked if she heard anything from Liz Weller. Councilwoman Bailey states she is on maternity leave. She will call her and ask if she would



work out of her home for us.

Councilwoman Bailey asks Council to review the zoning text amendments submitted in packet.

**Rezoning - 15120 Washington Street R-1 to B-1**

Councilwoman Scarbrough moved to approve rezoning of 15120 Washington Street from R-1 to B-1, second by Councilman Utz. Councilman Mohr says page two of the affidavit says the building will be removed. Atty Arledge says you could qualify your motion for just rezoning. Councilwoman Scarbrough amends motion to include just rezoning, second by Councilman Utz. Yeas: Stutz, Bailey, Mohr, Shepard, Scarbrough, Utz. Nays: None. Motion carried by 6/0 vote.

**Architectural Review Board**

Councilwoman Scarbrough reported she needs Mr. Newlon to address the town center signs and railing for the Red Rooster. Councilwoman Scarbrough moved to approve up to \$200 for Mr. Newlon to bring designs for town center signs and railing for the Red Rooster building [15020 Washington Street], second by Councilman Utz. Councilwoman Stutz asks where the money is coming from. Town Center Account was the answer. Yeas: Stutz, Bailey, Mohr, Shepard, Scarbrough, Utz. Nays: None. Motion carried by 6/0 vote.

Councilman Utz asks when will we pressure wash the Red Rooster and Town Hall buildings. Probably after paving the street was the answer.

Mayor Kapp asked why the ARB had the rezoning on their agenda. The Clerk said it was for information purposes only.

**Board of Zoning Appeals**

Nothing to report.

**Historical Commission**

Linda Landwehr states they are happy with the Spring Festival. They sold 44 books. They are going full force with the museum and getting the contractor quotes and ideas. Councilwoman Stutz asks for clarification of the role of the Historical Foundation, and the town and IRS paperwork. She asks permission to speak with Atty Arledge for legal opinion on town's authority to raise money and clarify the role between the Historical Commission and the Historical Foundation.

Atty Arledge was told Historical Commission is a committee. The HHHF is a private foundation. Atty Arledge will check if the town can raise funds. He asked what money is raised for. Councilwoman Stutz says the street enhancement, museum, charitable causes and education. Mayor Kapp asks Atty Arledge to check. Mayor Kapp states thirteen years ago Haymarket Day was co-sponsored by the Ruritans and town. The town insurance covers the parade. Councilwoman Stutz asks Atty Arledge if the town can raise funds would we have to pay tax on it? Councilwoman Stutz says when someone donates money to the Foundation, they received a tax exemption. We may have to change that.

**Building Official**

Mr. Lowery asks Council to put building inspections and fees in separate budget line item to see how much comes in and what we pay him and supplies.

McDonald's, 6740 Leaberry Way - Mr. Lowery received new documents from McDonald's. It appears they increased the size of restaurant from 4,000 square feet to 5,000 square feet. If so it has to go back to the PC for parking issue.

It would be beneficial to have access to a zoning administrator as we are receiving many phone calls for land use questions. Maybe a liaison from the PC can receive phone calls. Jordan Lane is the biggest problem now. KSI is using PWC layout for their homes. He has told them to come to the town. He has had two phone calls about the other parcel for townhouses. Fayette Street north is being developed.

Finney property - he [Finney] brought sketches of what he wanted and passed to the Clerk. It was a prefabricated steel building. Mr. Lowery suggested Finney go to the ARB. Mr. Lowery said he has never heard Council tell anyone what they can build before they buy property.

Signature Kitchens - Mr. Lowery states Mr. Lambradozzi is leasing small retail spaces and storage spaces. Nine new tenant layouts will come. He advised them to go to the PC. Lambradozzi has told architects to proceed. Fitness center is a dead deal. The saddlery is leaving over the next year, they want to build in town.

Cross Connection agreement -

Shrink/Swell Policy - to Atty Arledge

Stormwater pond - Haymarket Self Storage - Councilman Mohr asks about agreement on the pond. Mayor Kapp states nothing has happened. He is trying to set up a meeting.

Town Center Property final inspection - release bond - Mr. Lowery asks if he was to put in writing the list of Gossom duties to complete the town center. Yes.

Violation - Mr. Lowery to issue violation to Gainesville District Volunteer Fire Department for hazardous use. PWC to do the inspection. Councilman Mohr states the Chief and the electrician states it is not usable. Mr. Lowery says he is trying to access the building now with the Fire marshal.

Councilwoman Stutz states Bob Custard, Longstreet Commons HOA president, asked about the water tower being a hazard to children. Mr. Lowery to follow up with PWC.

**Budget session**

Scheduled for June 14, 7:00 p.m.

**OLD BUSINESS**

CCL, Town Center property - Councilwoman Scarbrough was directed to meet with Peg Contrucci. Councilwoman Scarbrough called Peg Contrucci to state the town's position and she said CCL says they will not go over \$22,500 and lend us \$22,500. Mayor Kapp states based on \$95,000 if we borrowed \$50,000 then the monthly payments would be \$1014 per month over five year period, considering \$16 per square foot, we would have positive cash flow at five years \$130,645 not counting the fringe money from business license and gross receipts. This is a \$10 million company.

Councilman Mohr states he has cover a letter for parking and still does not have a plat. He does not come up with the same numbers at 8% for \$50,000 for 60 months. Councilman Mohr asks if we can legally enter into a contract to borrow money from a bank and a company. Atty Arledge says that would have to go back to the bond issue process unless you can pay back from the current budget for the year tax base. Councilman Mohr asks if it has to be public use. Atty Arledge says that was a tax exempt issue. A contract for lease where they are paid back through rent reduction, he doesn't see that as an issue. Councilman Mohr asks if that was network ready [price]. Mayor Kapp says he understood Councilman Mohr and Vice Mayor Shepard were doing the networking work.

Councilwoman Stutz says she and Councilwoman Scarbrough discussed reducing the rent. She would like to do that and let them do the work themselves. She has checked around and found out the going rate is \$24 square foot. She knows Peg is not interested in reducing the rent. Atty Arledge asks if that reduces the commission. Councilman Mohr states yes.

Councilwoman Scarbrough says the improvements they want are totally different than what we did in the other area and they don't want just new doors and carpeting. Councilman Mohr says more space is becoming available in this area. Mayor Kapp states he talked to Linda at the bank who said we could borrow the \$50,000.

Councilwoman Stutz says if we can borrow the money that is one thing but we can't pay this back in the current year by tax revenues. Councilman Mohr states this area is growing, we don't have to run scared. Mayor Kapp says the good fairy is not going to come and renovate that space. Mayor Kapp states he will entertain a motion to approve or disapprove the offer.

Councilwoman Stutz moved to review the finances as we are unable to proceed other than with the \$22,500 and will discuss a counter offer, second by Councilwoman Scarbrough. Councilman Mohr would like to amend the motion "can not legally borrow money except to repay within a twelve month period." So moved. Mayor Kapp says to ask them to lend us the \$22,500 plus \$50,000. Councilwoman Scarbrough states Peg Contrucci says she wants full commission even if the numbers change. Councilman Mohr has no intent to pay her the full 6%. Councilman Utz says the list of things discussed HVAC and there is much more they are going to want out of this and we are getting in over our head. We are not in a position to do this in making a wise decision and make this tenant happy.

Councilwoman Bailey states she is not going to put this town in any more debt. She agrees with Councilman Utz. Councilman Mohr agrees we don't have the money. We will have other tenants who will want less and later we will have more tax money.

CCL \$22,500 and counter offer (at \$16 sq ft) Yeas: Stutz, Scarbrough, Shepard. Nays: Utz, Bailey, Mohr. Mayor Kapp voted nay. Motion failed by 3/4 vote.

Councilman Mohr moves to kill this issue so we can stop wasting time since it is cost prohibitive to the town, second by Councilman Utz. Yeas: Stutz, Bailey, Mohr, Scarbrough, Utz. Nays: Shepard. Motion carried by 5/1 vote. Mayor Kapp vetoed the vote. Mayor Kapp states due to positive cash flow to the town and if they will lend us \$50,000 we could negotiate.

Councilman Mohr points out Mayor Kapp voted against to spend money.

Councilman Mohr moved to call to revote the issue because it is above \$45,000 maximum, second by Councilman Utz. Yeas: Mohr, Utz, Bailey Scarbrough. Nays: Shepard, Stutz. Motion carried by 4/2 vote.

**Continuation**

Thursday, June 21 at 7:00 p.m.

**Reimbursement for training**

Councilman Mohr asks for reimbursement for travel, registration, etc. for Va. Tech Continuing Education Small town CTI of \$125.

**FOIA request**

Councilwoman Bailey wants a copy of the letter read in Citizen's Time by Mayor Kapp. He will get it for her.

**Tom Utz left at 11:00.**

**ISTEA bid**

Mayor Kapp states Mac Construction will put in concrete pads for benches for \$900.

**Witcher property**

Mr. Phares states he wants to start to fill the flood plain. Mayor Kapp says he needs to submit a site plan to Jim Payne with grading criteria. If Mr. Payne says you can do it council could look at it on June 21. Councilwoman Bailey says the road and bridge has to be up to VDOT standards. Mr. Lowery says whoever he sold the property to they have to build road to VDOT standard. Councilwoman Bailey says he has to get a letter from the railroad to cross the tracks and it would be special use only.

Mr. Phares states he will pay the \$900 for Mac Construction to install the pads for the benches if the Council will listen to him.

**Recess**

Council recessed at 11:12 p.m.

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

**CONTINUATION OF REGULAR SESSION**  
**JUNE 21, 2001**

**MAYOR**

**John R. Kapp**

**ATTORNEY**

**John Arledge, Smith & Davenport**

**COUNCIL**

**James Shepard, Vice Mayor (absent)**

**Nancy Bailey, PC Liaison**

**Tom Utz (absent)**

**Mary Lou Scarbrough, ARB Liaison**

**Doug Mohr, PD Liaison**

**Pam Stutz, Historical Comm. Liaison**

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Mayor Kapp reconvened the regular session at 7:10 p.m.

**ARB appointment**

Mayor Kapp states he has two nominees for ARB positions. They are John Cole and Dottie Leonard. Councilman Mohr wants a notice to go into the newsletter and let people know how to apply. Councilwoman Bailey moves to advertise in the newsletter the position for ARB and invite citizens to apply, second by Councilwoman Scarbrough. Councilwoman Stutz asks what to submit. Background, why you want to serve and education. Councilman Mohr asks if we have a position for PC. Councilwoman Bailey states she had talked to Jim Payne who would consider serving on the PC as an advisor. Yeas: Bailey, Scarbrough, Mohr, Stutz. Nays: None. Motion carried by 4/0 vote.

**Street enhancement bricks**

Mayor Kapp states Joe Contrucci wants to buy bricks. He called Glen Gery Brick who has no more from this batch. If ordered they would be a different shading. Councilman Mohr asks why there is a color change. Mayor Kapp says it is typical for different shading for each batch. Mayor Kapp states we have seven and one half pallets available. Mr. Contrucci wants two and one half pallets, 1200 bricks. Mayor Kapp states architect said we need to use same brick for the planters. Councilwoman Stutz moves to sell two and one half pallets with the condition the architect agrees we have enough for the planters, second by Councilwoman Scarbrough. Councilman Mohr says there are about 2500 bricks. The planter would be six brick tall (8" long and 3" wide bricks) 240 bricks per planter (10' long) times seven planters equals 1680 bricks. Yeas: Stutz, Scarbrough, Bailey, Mohr. Nays: None. Motion carried by 4/0 vote. Councilwoman Bailey moved to sell two and one half pallets of bricks at cost, second by Councilwoman Stutz. Yeas: Stutz, Scarbrough, Bailey, Mohr. Nays: None. Motion carried by 4/0 vote.

**Municipal Code**

Mayor Kapp states the draft code is in. Council is to peruse. Councilman Mohr asks if it should be a suspense item. PC has one month to review the code. Councilwoman Bailey says next two meetings will be three people only. Atty Arledge says the code needs to be recodified. He wants to have all the ordinance adopted since the code went down.

The vote to adopt the draft code will be September 10<sup>th</sup>. We have to advertise for PC and TC

Councilwoman Bailey asks if Mr. Leaberry knows that night we approved the signs it was not approval to not put up the wall [brick wall with wrought iron fence]. Councilman Mohr states this is not the first shopping center he has built and he should know.

**Police budget**

Councilman Mohr went to the courthouse and spoke with Dave Mabie regarding the fines we are to be getting. He can't find anyone there who can explain how this works, how to track. Va. Code Art. 7 17.1-271 fees and checks, we can set up an official police account and the clerk can deposit directly, has to be done in a reasonable time. The clerks are not officially accountable for the money. Councilman Mohr says the court has not selected an account for the town. We should select the account and advise them.

17.1-289 5% for locality collections is legal. Courthouse maintenance we are to get \$2 per case for each case but we aren't getting all the money. Atty Arledge is not sure the clerk follows his directions of the funds he collects for the town.

Mayor Kapp asks if we can have the secretary set up a data base and have her track and go to the courthouse monthly and tell them what they owe us. Councilman Mohr states only the last two months are available at the clerk's office for review. They don't keep anything older.

Councilman Mohr checked on the IR grant and found we have been getting checks for \$7400. Even with the amount not collected we still raised 68% more funds this year than last year.

VSRS - retirement - would not get figures due to cost share with employee  
Woodmen's of America will beat by almost half than the state will offer us.  
VML car insurance he did not get a call back for rates.

Income

Response time for grants is 2-3 months. Fines/ticket \$60,000 is what we now receive more than 68%.

- LEA (599) grant - definite
- CH maintenance
- COI grant - removed
- IBR 24,000 definite 3 months pay
- Vehicle purchase \$25,153 in bank now
- DMV - \$7500 available
- Radio fund have 16,500 plus 7000 for this year
- Fed Govt 5000
- Laser radar - \$3500
- Salary/benefits all personnel \$170,842
- Vehicle fund \$5000
- Masons gift \$10,000 (drug dog)
- Money PD has in real money due from outside \$170,854
- Council agreed to fund \$184,342
- PD budget salaries
  - chief \$50,087.10 (23 years experience)
  - Officer Breeden \$38,794 (18 years experience)
  - Officer Nicholson \$37,524 (12 years experience)

Total salary \$126,405.10

Admin staff - hours part time \$20 per hour down to \$15 or \$12 per hour

\$1500 overtime - wash with grant funds

\$16425 administrative is the academy, education, training, travel also court appoint

\$19,000 vehicle expense - maintenance, gas, insurance

Vehicle gas - Mayor Kapp says our Police have a habit of leaving the vehicles run

hour or more. Councilman Mohr states the 97 car has a mechanical issue that is not

properly and it doesn't shut down the equipment. Councilman Mohr says the car has

electronic leak he doesn't know if it is worth having it tracked down when we're doing some other things.

*original was missing page # 14815*

\$16,880 equipment replacement - slim jim, lock picks, bullet proof vests, gun rack, mobile radios, base station, vehicle stickers, etc.

Real money from council \$71,520 for PD

Vehicles for July \$1500

\$19089.44 operating expense for July and August less (\$1500) \$17,589.44 September

\$17,714.44. Thirty day vehicle delivery from time of contract.

BPOL - Atty Arledge says maximum is \$.16 for contractors

\$.20 for retail

\$.58 for financial

\$.36 for repair personal services

Notice of two weeks for public hearing 20% increase in tax.

Proposed

council raised to \$.11

Council raised to \$.12

Council raised to \$.15

Council raised to \$.12

PC - John Duckett term expires June 30, 2001

Councilwoman Bailey moved to approve John Duckett for another four year term, second by Councilwoman Scarbrough. Yeas: Mohr, Stutz, Bailey, Scarbrough. Nays: None. Motion carried by 4/0 vote.

Councilman Mohr asked Council about the contract for the vehicle, should the Mayor or Police Chief sign the contract. The mayor will sign it.

Budget balanced at \$886,699.

Atty Arledge to find out about what we do between July 2 and July 9 with no adopted budget.

**Town Center**

Councilwoman Stutz asks about counter offer to CCL. Mayor Kapp says Peg Contrucci talked to him and that CCL would not put any more money in. Councilwoman Stutz states Contrucci did not take our offer to CCL. She didn't represent us to them. Councilwoman Stutz asks why can't we reduce the rent greatly or rent free for a while as an inducement for them to do all the renovations. Councilman Mohr has no problem with two years. Mayor Kapp says it would be \$96,000 the cost of renovation. He will talk with them about free rent for two years and they do all the renovation.

Mayor Kapp heard CCL is going to Lambradozzi. Councilman Mohr asked Atty Arledge about the contract and if Ms. Contrucci will come back to us for commission if we lease to CCL now.

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Atty Arledge will look at the contract.

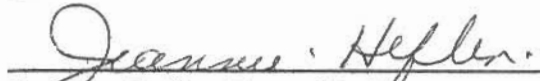
Councilwoman Bailey moved to advertise the budget, second by Councilwoman Stutz. Yeas: Mohr, Stutz, Bailey, Scarbrough. Nays: None. Motion carried by 4/0 vote.

Atty Arledge will e-mail notice language for budget public hearing Friday, June 22.


**Adjournment**

meeting was adjourned at 11:00.

**RESPECTFULLY SUBMITTED:**

  
\_\_\_\_\_  
Jeannie Heflin, Town Clerk

**APPROVED:**

  
\_\_\_\_\_  
John R. Kapp, Mayor

tc601

# STATS FOR MAY 2001

MILEAGE	2729	CALLS ANSWERED 8
PRICE	\$439.87	ASSISTED PWC w/ 10 CALLS
GAS	224.8	" USP w/ 3 CALLS
W. TICKETS	61	GRAND LARCENY - FOOD LION - REPORT
P. TICKETS	3	2 ACCIDENTS - REPORTS
UTS	42	1 TRESPASSER - LONG ST. COMMONS - GOA
C. FELONY	0	LONG ST. COMMONS 2 NEIGHBOR DISPUTES - ADVISED WARRANTS
C. MISD.	5	GREEN HILL - 2 RUNAWAYS - BOTH FOUND - REPORT TOT PWC
REPORTS	7	1 LOUD MUSIC - GREEN HILL CROSSING - ADVISED
COMPS.	107	1 DISORDERLY - COUNTY - ASSISTED
FR-300	2	1 RECKLESS DRIVING 120 MPH/65 ZONE - I-66 - ARRESTED 1000. - BOND
..WORKED	401	2 DIP-DRUNK-IN-PUBLIC - PARE ELEM. TOT PWC
		1 VIOLENT DOMESTIC - COUNTY - ARREST + TOT COUNTY PD
		1 DISORDERLY JUVENILES - PW'S - ADVISED
		2 BA'S FOR COUNTY - JAIL - ASSISTED
		2 - 1090'S (ALARMS) 84 LUMBER -
		1 - DUI - ARREST - TOWN
		1 - ACCIDENT W/ DEER - 66 - TOT USP
		1 - SOLISTONS CAMP - GREEN HILL CROSSING - ID - MOVED ON - HAD PERM
		2 - MISD. ARRESTS - TOWN - DAILED ON 1500. BOND
		2 - SLIM SERVICES - TOWN - COMPLETED
		1 - DOMESTIC A+B TOWN HALL - COUNTY - TOT PWC
		7 - 10-465 - TOWN + COUNTY - ASSISTED