

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

MAYOR

John R. Kapp

ATTORNEY

John Arledge, Smith & Davenport

COUNCIL

James Shepard, Vice Mayor (absent)

Nancy Bailey, PC Liaison

Tom Utz

Mary Lou Scarbrough, ARB Liaison

Doug Mohr, PD Liaison

Pam Stutz, Historical Comm. Liaison

Mayor Kapp opened the regular session of the Town Council and led the council in prayer.

June meeting date change

Mayor Kapp changed the Monday, June 4 meeting to Tuesday, June 5.

Budget meeting

Thursday, May 24 at 7:00 p.m.

Citizen's Time

No comments.

Minutes of previous meeting

Councilwoman Scarbrough moved to dispense with the reading of the minutes and approve minutes with corrections noted, second by Councilman Utz. Yeas: Scarbrough, Utz, Bailey, Mohr. Nays: None. Abstain: Stutz. Motion carried by 4/0/1 vote.

Police Report [see accompanying report]

Councilman Mohr gave the April report, the police schedule and the budget for May of \$3,000. Councilman Utz asked if Chief Roop was not on duty tonight. Councilman Mohr states he will not be reporting any longer unless needed. Councilman Utz states Council requested Chief Roof be here during the beginning of the meeting through Citizen's Time to calm any potential difficulty.

Councilman Mohr moved Police Chief not be here for meetings and if we need him here we will call him, second by. Motion died for lack of a second.

Mayor Kapp asked Councilman Mohr to ask Chief Roop to be here during Citizen's Time. It does not have to be Chief Roop but can be any of the officers.

Councilman Mohr reports Piedmont has requested our police officers do a patrol through their area and run radar. Councilman Mohr asks Atty Arledge whether within the one mile out of town jurisdiction would our police have jurisdiction. Atty Arledge states state code states fines would go to the county. Atty Arledge states the one mile is as a leeway and not meant to be authority. Councilman Mohr asks if that would require a letter of agreement from the county. Atty Arledge does not know if they would give an agreement. Atty Arledge states you would have to talk to your liability insurance company as it is not in your jurisdiction. Mayor Kapp

suggests Atty Arledge check with the county for an agreement and reciprocation. Councilwoman Stutz asks why they [Piedmont] didn't ask the county to begin with.

Councilman Mohr states the department is starting a reserve officer program, which would include giving tickets. Atty Arledge states there would be a question of liability insurance. Councilman Mohr wants to know what Council desires. Councilman Utz thinks it is a good idea to run through the community. Councilwoman Stutz again asks why they didn't contact Prince William County. Councilwoman Scarbrough says to check it out.

Treasurers Report

First Virginia Bank general fund checking account balance 3/31/01 \$350,035.17. Expenses for April 61,055.85. Deposits [including adjustments] for April \$22,847.67. Ending balance April 30, 2001 \$211,826.99.

Councilman Mohr asked about the returned check. It was explained the check was covered by cash in May.

Unpaid Bills

ISTEA/TEA 21

Councilman Mohr asks about Gull bill. He does not want the 5% [retainage] paid until he is satisfied. Councilwoman Stutz asks about the final work, she is not pleased with the grading, the grass and there is damage to trees behind the St. Paul's Parish Hall. Councilwoman Stutz says they took down two live trees and left two dead trees [behind her property and the parish hall]. Councilwoman Stutz asks if we discussed the Christmas tree [in town hall park] and it being taken down. Councilwoman Stutz and Councilman Mohr would like to discuss the replacement of that tree with them. Mayor Kapp states he can not answer that. Councilman Utz would like to have a list that they [Gull] were given and the punch list [from VDOT].

Mayor Kapp states VDOT gave him the punch list and he passed it on to Gull. Mayor Kapp states VDOT has let the contract to pave with APAC and he will check when the paving is being done. Mayor Kapp states the outcome of the walk through was they have done some of the things required and some have not been done. Councilman Mohr suggests the walk through be revisited. Mayor Kapp says the retainage is enough to cover what is left to be done.

Town Center property

Councilwoman Stutz states she did not know we were paying for air conditioning units for the insurance company. Councilman Mohr asks where the units are. Councilman Mohr says we priced out \$7100 for upstairs A/C, why don't we get this A/C installed. Councilwoman Stutz does not have a problem with this but wants to know who authorized this. She also states if we approve bills without authority, it is a bad precedent. Councilman Utz states the man was told he would have air conditioning in his office. Councilman Utz says Pam should have been contacted as leasing agent to know and go through the proper channels. Councilman Mohr does not like this procedure. Mayor Kapp says they are our units and we can use them elsewhere. Councilman Mohr wants to send a letter making sure they are aware the units are ours.

Councilwoman Scarbrough moves to pay all unpaid bills except the \$18, second by Councilwoman Stutz. [\$3,535.20, \$49,322.79 and \$826.48] Councilwoman Scarbrough asks about flags. She was told they are flags for the pole outside.

Business License

Auto Station, 6707 Fayette Street #7 - Councilman Mohr moved to approve, second by Councilwoman Stutz. Yeas: Scarbrough, Utz, Bailey, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote.

RGR, LLC, 6612 James Madison Highway, reload center, Industrial-1 - Councilman Mohr asks if they brought in a site plan. John Foote states he met with Mr. Lowery in February and they reached an agreement. The first site plan is for the railroad siting issue, the second is a host of other issues. Jim Payne forwarded comments on the site plan. It is not ready for final approval due to comments. The first site plan is in for review now for just the railroad spur, the second is in the review process. Mr. Lowery agrees they have done everything.

Councilman Mohr says the business license can be approved outside the site plan approval. Mr. Foote will resubmit plan to Mr. Payne. Mayor Kapp says if submitted by May 24 it can be looked at by the council on June 5, it must go to the Planning Commission first at May 29 meeting.

Councilwoman Bailey asks if the first site plan will come to the Planning Commission May 29, Yes, replied Mr. Foote. Councilwoman Bailey asks what is the second plan. Mr. Foote says other site issues, building sprinkler, storage issues, fire walls, etc.

Councilman Mohr says he understands no additional traffic would be generated, just the amount there is currently. Mr. Foote says only the traffic that we are currently experiencing and that the trains can only unload on one side of the train currently, they will want to unload on both sides of the train.

Councilman Mohr moved to approve business license, second by Councilwoman Stutz. Yeas: Scarbrough, Utz, Bailey, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote.

Councilwoman Bailey asks Mr. Lowery for copy of comments for the Planning Commission to review.

Haymarket Baptist Preschool, 14800 Washington Street, gross receipts, business license application fee - We never got a waiver document. Councilwoman Stutz asks Atty Arledge to send a follow up letter regarding non-profit organization exception to the gross receipts and business license application fees and inform them they owe the town money and ask them to disclose their gross receipts. The Town Clerk reminds Back 2 Basics is in the same situation. Yeas: Scarbrough, Utz, Bailey, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote.

Sign Permit

Auto Station, 6707 Fayette Street #7 - Councilwoman Bailey moved to approve, second by Councilwoman Stutz. Yeas: Scarbrough, Utz, Bailey, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote.

Food Lion, 6701 Leaberry Way, Washington Street frontage - Councilman Mohr states discussion was there would be only one sign with Shoppes at Haymarket. Councilwoman Stutz and Councilman Utz agree. Councilwoman Bailey says the 20 square feet is okay. Councilman Mohr wants it to go away. Councilwoman Bailey says on the Shoppes sign application the McDonald's sign had to be taken off since the size was too large under the code. Councilman

Mohr states when he went to the economic development course he was told the state is bringing forth smaller signs. Councilman Mohr moved to approve Shoppes at Haymarket one sign each location, and it can go where needed, only double sided and disapprove any other signs, second by Councilman Utz. Councilwoman Scarbrough thought they were going to have sign on Route 55 and on Route 15 on sign two faced. Councilman Mohr said we saw brick framed sign. Councilwoman Stutz says when the Planning Commission went through changes for ordinance Leaberry submitted a very pretty brick sign with the brick wall and wrought iron wall. Councilwoman Stutz wants to see the original plan. Councilman Utz agrees with Councilman Mohr and says they are using our sign as a standard and we don't want to continue that. Councilman Mohr withdraws motion, second by Utz.

Councilman Mohr moved to deny approval of Shoppes and Food Lion signs as presented, second by Councilwoman Bailey. Councilman Mohr amends to state "due to this application is not as originally presented in the plan for that facility," second by Councilwoman Bailey. Yeas: Scarbrough, Utz, Bailey, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote.

Councilman Mohr moved to send letter that original sign in brick is what the town expected and desires, second by Councilman Utz. Councilman Utz says to make the point council is looking for a single sign. Councilwoman Stutz states the reason we agreed to internally illuminated signs was because we were to have the single brick sign at the street front. Yeas: Scarbrough, Utz, Bailey, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote.

Construction Permit

Bumgarner, 14884 Greenhill Crossing Drive, deck - PC approved. Councilman Utz moved to approve, second by Councilwoman Scarbrough. Yeas: Scarbrough, Utz, Bailey, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote.

Gallagher, Landwehr, 6771 Fayette Street, deck and porch - PC approved. Councilman Utz moved to approve, second by Councilwoman Scarbrough. Councilwoman Stutz asked if ARB needed to review this application. No, it is not visible from the street. Yeas: Scarbrough, Utz, Bailey, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote.

Omnipoint, 15175 Washington Street, 6 panel antenna on tower and repair tower - PC and ARB approved. Mayor Kapp stat the gas tanks are diesel tanks and are for D&J who are using them. Dan Ryan submitted plan to Mr. Lowery who is reviewing it now. Councilman Mohr says the former ARB required upgrade and it is not done. Mr. Lowery says Dottie Leonard went there and what is there was agreed to by her.

Councilman Mohr says the back side is eroding. Mr. Lowery is working on tanks with Costello. Councilman Mohr asks if Mr. Lowery finds back side needs to be built up can we require screening. Councilman Mohr says will be visible from the lumber yard or Precision Engineering. Councilwoman Scarbrough asks whose responsibility it is to clean up and screen. Councilman Mohr says Costello owns the property. Councilwoman Stutz says if you read Mr. Payne's letter there are comments and asks if these have been taken care of. Mr. Ryan says he understands the pages [requested by Mr. Payne] were supplied and landscaping has been agreed to. Mayor Kapp is concerned about the erosion and sediment control. Mr. Lowery says the installation of antennas has nothing to do with E&S and to ask antenna people to do additional landscaping will have to comply with the landscape ordinance, nothing more. Mr. Lowery says since this work is under 2500 square feet it is not required to submit a site plan. Councilwoman Stutz asks why site

plan was required. Councilman Mohr says with changes to the structure the code says we can require anything we want. Mr. Lowery states when the Planning Commission saw the work required they required a site plan. Atty Arledge says since it is remedial work it [site plan] is not required. Mr. Lowery says Nextel met ARB screening requirement. Councilman Mohr states the person that says it complied with the ARB was incorrect. The rear side was not done nor the wooden fence placed high enough. It was not what the council approved. Atty Arledge states it is a question of what was approved. Councilman Mohr says wooden fence was to be higher than the barbed wire.

Councilwoman Stutz says she feels sorry they had to go through all this. Atty Arledge states it wasn't required in the first place. Councilwoman Bailey says the Planning Commission asked about the tower when it was found unstable. Mr. Lowery states It is the applicants responsibility to maintain the tower. Dan Ryan of Omnipoint states they will pay the engineers expense.

Councilman Mohr says we can enforce the color of the cable to the top, location of the cable and if the fence is removed to do the construction it would have to comply [with the current regulations.]

Councilman Mohr moved to approve construction permit for panel antennas and increase of footer. Daniel Ryan, Omnipoint, has removed "to build telecommunications tower" due to improper paperwork required to pay the engineer and also E&S inspections will be accomplished by the Building Official and removal of tanks and other issues, second by Councilwoman Bailey. Fuel tank problem addressed and sent to Mr. Lowery. Councilman Utz moved to approve, second by Councilwoman Scarbrough. Yeas: Scarbrough, Utz, Bailey, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote.

Rezoning application

Russo, 15120 Washington Street, R-1 to B-1 - Councilman Mohr notes that is starting to bring into protected area with Winterham across the street. Councilwoman Bailey states future use in the comprehensive plan show that property at R-1. The PC plans for future use B-1 (anything on Washington Street) in the comprehensive plan update.

Councilman Mohr says they want to remove the existing building. If we approve this he has no problem but he does not want this to be approval of a new building. Mayor Kapp says this is just for rezoning.

Mayor Kapp states he spoke with Mr. Russo and asked him to agree to installing the street scape and he talked to him about a brick wall with a cafe patio keeping the house as an entrance. Councilman Mohr states this is not a historic building. Mayor Kapp states it was built in 1921, it is a historic building. Maphie Dunton's family built it.

Mayor Kapp states at a seminar he attended in Charleston their idea was to save all old buildings. He states Joe Russo liked the idea and he got a call from an engineer. Councilman Mohr says 10-15' into the structure it would be hard to use the design for a restaurant. Councilwoman Scarbrough states that would be his responsibility to work it out.

Councilman Mohr moved to approve request to rezone 15120 Washington Street from R-1 to B-1 rezoning only, not removal of building or new construction, second by Councilman Utz. Councilman Utz moved to approve, second by Councilwoman Scarbrough. Yeas: Scarbrough,

Utz, Bailey, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote.

Atty Arledge asks if this went to public hearing. No, was the answer. Councilman Mohr withdrew his motion, second by Councilman Utz.

McDonald's - Mr. Lowery asked if McDonald's sent in a site plan to raise the elevation of the building for sewer accommodation to Washington Street instead of grinder pump system. No was the reply.

Plan Review

Rob Reuter, St. Gabriel's Executive Park, 14540 John Marshall Highway, storm water management pond - Mr. Reuter states he only wants approval of the storm water management pond and that the park and solar pond are a future plan. Mayor Kapp asks about park if it is accessible to the public. Mr. Reuter replies only Monday through Friday from 9:00 a.m. to 5:00 p.m. Park on west side of pond. Mr. Reuter states they are a federally licensed laboratory and can not have people on the premises without being escorted by an employee.

Councilman Mohr states they indicated this is a federal requirement. Mr. Reuter says it is their requirement they don't allow the facility to be open to the public, not the federal government.

Councilman Mohr says what was originally offered by St. Gabriel's has been changed. The street scape was only proffered when our street scape gets down to their site. Councilman Mohr says the town wants the street scape built with annexing. Mr. Reuter states that is extortion. Mr. Reuter states St. Gabriel's no longer wants to be annexed to the town. He says they have become pawns between the county and the town. He read the town letter that the town does not want them in town because it does not benefit the town. Mr. Reuter says we asked for a youth facility - extortion.

Councilman Mohr says Mr. Reuter (Ted) asked how they could help the town [public park] and now they [the public] have to be escorted to be on his property. Mr. Reuter states it is private property and they have the right to privacy. Councilman Mohr asks Atty Arledge if we have to do this. Atty Arledge asks what is the application. Councilwoman Stutz states it is a request for a storm water management pond. Mr. Reuter states they sent a letter with a plan and they gave the plan to Mr. Payne. Councilman Mohr asks what is the zoning. Councilwoman Bailey responds it is R-1. Councilman Mohr asks if all storm water management pond would be under the county maintenance. Mr. Lowery says he knows Fairfax has done that but doesn't know if Prince William has. Mr. Reuter says Prince William County says the portion of the pond in town they [county] have no jurisdiction over. Mr. Reuter states the only thing taken back was the public park. Councilwoman Bailey states Mr. Reuter told the Planning Commission it was to be a solar pond 8 feet deep and now it is a storm water management pond. Councilwoman Bailey moved to deny request to install a storm water management pond in R-1 zone in town as it is not a by right use, second by Councilman Mohr. Councilwoman Stutz asks to clarify the reason. Councilwoman Bailey states it is not a by right use. Yeas: Scarbrough, Utz, Bailey, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote.

Gray House - Town Center

Connie Henderson states the town council said they would black top and clean up all around the parking lot. Mayor Kapp says yes, but the town council did not say they would pave the whole thing. Ms. Henderson wants to know if she wants a new screen door can she put it up. Yes, was

the reply. She says it needs a new storm door. The wood is rotten on the door jamb.

Councilman Mohr moved to approve to spend up to \$200 to replace the door joist, rotten wood frame and storm door on 6620 Jefferson street Apt. #3, second by Councilman Utz. To be charged to town center building maintenance. Mr. Lowery says all the doors need to be replaced. Councilman Utz moved to approve, second by Councilwoman Scarbrough. Yeas: Scarbrough, Utz, Bailey, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote.

Ms. Henderson states she would like to have the grass back there for a garden area.

Planning Commission

Report submitted by Councilwoman Bailey. PC added zoning text amendments for B-1 and I-1 districts. They had a public hearing.

Lewd and indecent ordinance - what does the council want.

Sign ordinance for town center - council has to tell the PC what they want. Mr. Newlon was to give suggestions.

Shultz request - vehicle parking - commercial vehicles in residential zone. The PC wrote up a new ordinance that changes the ordinance. Mr. Shultz can not park a commercial vehicle legally at his home business but people can park personal vehicles the same size. Councilman Mohr says we need to really look at this. Schedule public hearing for June 26 for the Planning Commission and Town Council July 2.

Finney Property - 6608 Jefferson St. - PC addressed his letter and determined the auto sales is not a permitted use. He wants council to look at his letter again. Mayor Kapp states we can't grant a waiver. Atty Arledge says we would have to change the ordinance.

Councilman Utz asks why when he wanted to put up a building where did he get the idea it would be wonderful. Mr. Lowery says he showed a steel building to him and he told him it had to go to the ARB. Councilman Utz says we embraced his idea of his plan [for an antique vehicle restoration facility]. Mayor Kapp suggests we write him a letter that it is not a by right use and we are not doing a zoning text amendment. Mrs. Leonard states he made a mistake by purchasing the land first and then found out he couldn't use the land for the use he wanted.

B-1 use and nursery school, child care, kindergarten, not a grade school - Councilman Mohr says state code put them all in the same category through third grade and under. Atty Arledge says that is a zoning ordinance issue, can limit the level of education permitted. Atty Arledge says state code is totally different issue, education is not a land use issue. This is issue for the zoning administrator if this is permitted and council may want to amend the ordinance to permit this use. As the ordinance is written it is stretching it - need to change definition.

Mr. Lowery says she [the tenant] doesn't qualify for education use, grades 1 through 3. Mr. Lowery says it was an existing use when he came here. Atty Arledge asks when it became a non-conforming use. Mr. Lowery says the state code changed to 1-12 is education. Councilwoman Bailey states the owner is advertising for future grade 2. Mayor Kapp asked Mr. Lowery to send a letter to the owner telling her the building does not qualify and she must do what the code requires. Councilman Mohr asks if council is aware she has first

grade, should we tell her to cease and desist. Councilwoman Stutz says she opened five years ago. Councilman Mohr does not want to be responsible if there is safety issues since the building does not meet code. Atty Arledge states if Mr. Lowery says the code changed in 1993 and she opened in 1995 she is in violation and must meet requirements. Councilwoman Stutz asks what is the question. Councilwoman Bailey states this use is not approved for B-1. Do we enforce our zoning ordinance. Councilwoman Stutz suggests we write her a letter stating the business use is day care/ kindergarten and we understand she has first graders. Councilman Mohr was in there and identified she has first grade. Linda Landwehr states she has a brochure advertising for first grade.

Councilwoman Stutz states owner may not be aware she is in violation and maybe Councilwoman Bailey can call her and talk to her and try to resolve whether we should change the ordinance. Councilwoman Bailey to call owner. Tabled.

Zoning Text Amendments

Car wash, B-2 district definition and ordinance - if it meets approval we need a public hearing - council approved for public hearing. Councilman Mohr asks about heavy equipment. Councilwoman Bailey states PC excluded it. Mayor Kapp says lots of trucks come through there. Councilwoman Bailey states the Planning Commission does not want a truck stop.

Industrial 1 district special use for storage facility for trailers, motor homes, boats - schedule public hearing

General requirements for streets in new subdivision-R-2 zone - states will be state maintained - schedule public hearing.

Definition to be added to General Article 1, Sec. 12-1

Fitness Center/Health Spa
Lighting Fixtures
Manufactured Homes
Mobile Homes

Schedule public hearing on all the above zoning text amendments.

Spring Festival

Ms. Copenhaver needs lots of volunteers. Councilman Mohr understands she was having problems getting help from Greenhill Crossing homeowner's. Mayor Kapp states Jackie Stackhouse is the volunteer coordinator and she is making calls.

There are about 50 crafters in.

Councilwoman Scarbrough and Stutz will do table and chair pick up Thursday. Mayor Kapp will call Billy Beavers [VDOT] tomorrow for road closing.

Councilman Mohr wants someone to take pictures for a continuity file.

Mayor Kapp says he called the Town Clerk last week about VML insurance. Vice Mayor Shepard called VML today and David Smith and Beth Rosenthal responded to questions about the wine tasting. Mayor Kapp expressed concern with the placement of the wine tasting on the

town hall property. Mayor Kapp states Don Costello said we could use his property. Councilwoman Stutz states she wished someone had said that earlier.

Councilman Mohr would like there to be signs "wine bottles will not be opened and consumed on the property." Atty Arledge says you should do what your insurance company says. Councilwoman Stutz asks why can't the Foundation get a rider. Councilwoman Stutz will call David Smith and Beth Rosenthal tomorrow and get a rider if needed. The Town Council consensus is they are concerned with having the tasting on the town hall property. The Town Clerk states she spoke with Kris Gentry at VML last Thursday when the mayor called with concerns. Ms. Gentry stated there was not a problem, we would be fully covered and many municipalities have wine tastings with their events and that would be a nice addition to our festival and to have a great time.

Councilwoman Bailey states she spoke with Wallace Bailey about using his lot for parking crafter vehicles. He approved the use as long as it is dry and we pick up the trash.

Youth Center

Councilman Mohr says he wanted to move forward with the youth center and everyone on council said to move forward with it. Then he was told it wasn't usable for anything other than storage and he had someone look at it and they said it was okay. Now the Mayor is leasing this for a dance studio. He has presented this to national youth agencies to support and they will not be pleased if it doesn't move forward. The Mayor states he went through the minutes in February and March and there was nothing back to January and through April regarding approval

Councilman Mohr moves to designate the ell shaped area including the garage and move forward getting the facility done for a youth center, second by Councilman Utz. Councilman Utz remembers going through there and it was talked about for that use. He is amazed Councilman Mohr wants to use that space. Councilman Mohr clarifies council did approve that - council agrees the use but it was not in the form of a resolution. Mayor Kapp says a realtor called him and he showed the property to the dance studio and they wanted it.

Councilman Mohr talked [about this] numerous times and discussed the bathroom issue and Mayor Kapp wanted it to be a lawn mower company. Councilman Mohr states Mayor Kapp told him he couldn't use it for a youth center. Mayor Kapp says he will table this before a vote. Atty Arledge states Councilman Mohr can call the vote. Councilman Mohr called the vote. Yeas: Scarbrough, Utz, Bailey, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote.

Reschedule regular meeting

Atty Arledge clarifies to change a meeting date requires passing a resolution.

Whereas, certain council members are unavailable to attend the regular monthly meeting of the Haymarket Town Council on the first Monday of the June in 2001;

Be it resolved by the Haymarket Town Council that the regular monthly meeting of the Council is rescheduled to the following day, Tuesday, June 5, 2001 and the Clerk shall post this resolution on the door of the Town Hall forthwith and further advertise the change of the regular monthly June meeting in a newspaper having general circulation in the town at least seven days before June 5, 2001.

Councilman Mohr moved to pass the resolution, second by Councilwoman Stutz. Yeas:

Scarborough, Utz, Bailey, Mohr, Stutz. Nays: None. Motion carried by 5/0 vote.

Town Center Haymarket Grocery

Atty Arledge asks about Haymarket Grocery request to repay delinquent rent.

Budget work session

Councilman Mohr asks about budget work session scheduled for April 23 and budget was not discussed. Mayor Kapp says it was a continuation and budget meeting.

Continuation

Mayor Kapp would like May 24 to be a continuation meeting and budget meeting so we can approve the renovation of the engineering space. Councilwoman Stutz will not be here May 24. Mayor Kapp will speak with Vice Mayor Shepard to ask if he will be here.

Recess

Council recessed at 10:45 p.m.

CONTINUATION AND BUDGET WORK SESSION MAY 24, 2001

MAYOR

John R. Kapp

ATTORNEY

John Arledge, Smith & Davenport

COUNCIL

James Shepard, Vice Mayor

Nancy Bailey, PC Liaison

Tom Utz

Mary Lou Scarborough, ARB Liaison

Doug Mohr, PD Liaison

Pam Stutz, Hist Comm. Liaison (absent)

Mayor Kapp reconvened the continuation and budget work session of the Town Council at 7:00 p.m.

Shoppes at Haymarket

Food Lion, 6701 Leaberry Lane, sand blasted free standing sign for Washington Street frontage - Mr. Leaberry states he had two signs designed that he didn't know were not in compliance [with the sign ordinance] that were 40 square feet and the menu style sign doesn't comply. The Planning Commission never saw the signs. Mr. Leaberry says VDOT took another 8 feet of grassy area on Washington Street frontage and now there is 2' of grass between the side walk and the street.

Mr. Leaberry states he found out three weeks ago that the fence [brick fence with wrought iron rail] can not be installed as the PWCSA says it has to be 5 feet off the water line. Also McDonald's is re-doing the front. Councilman Mohr states the engineer should know VDOT and PWCSA rules. Councilman Mohr thinks Mr. Leaberry should hold the engineer responsible for the faulty plan.

Signage area has a 7 foot footprint. Councilwoman Scarborough asks size of area before VDOT change. Mr. Leaberry says 15 feet. Councilman Mohr asks why the curb [at the parking lot] can't be moved to make more space. Mr. Leaberry says he can take parking spaces away. Mr. Leaberry says the power company deleted a pole in the middle of the shopping center and put a new pole in the right of way.

Councilman Mohr asks if Va. Power has to put the new line underground? Mr. Leaberry says it is relocation of an existing pole. Atty Arledge says they are not required to put underground. Councilman Mohr says it is required by ordinance to be underground. Mr. Leaberry says it [the pole that was moved] is in their existing right of way.

Mayor Kapp asks how wide is it to the curb on the street and curb on parking lot. Twelve feet answered Mr. Leaberry. At McDonald's it is only four feet from street to parking lot. There is a five foot sidewalk, curb cut sixteen feet, twelve feet wide thru lane.

Mr. Leaberry states he will be back next month.

Councilwoman Bailey states the zoning text amendment [for internally illuminated signs for the store fronts] was done due to the two square foot sign for the store are too small. Mr. Lowery agreed to town type sign with lights from the ground. Mr. Leaberry states Food Lion has to have a sign or he cannot collect rent.

Councilwoman Bailey states the PC approved Food Lion and Shoppes signs on Washington Street and James Madison Highway. Mayor Kapp asked why she voted no on the Town Council. Councilwoman Bailey states because it meets the zoning ordinance. Councilwoman Bailey and Scarbrough had forgotten the original idea was a brick sign. Councilman Mohr says Council inherited the sand blasted sign on each end of town and we don't want to be stuck with that.

Mr. Leaberry can put brick sign at McDonald's. He states Manassas Food Lion sign is 4' x 4' and 4' high and back lit sign.

Councilman Mohr suggests he use the same sign (sand blasted) with round columns with brick up to the sign [4' high] and mount the sign on top of the brick. Mr. Leaberry says he will just have Food Lion come in. Food Lion color was brick with light gray background. Council thinks the color is okay. Mr. Lowery agrees on Food Lion sign on Route 55 and Route 15 in 4' x 5' size.

Councilwoman Bailey moved to approve signs for Food Lion on Washington Street and James Madison Highway with brick underneath the sign and make columns round, sign same size, second by Councilwoman Scarbrough. Councilman Utz asks what size columns. Mr. Leaberry will have designer do that and he will submit. Yeas: Bailey, Scarbrough, Utz, Shepard, Mohr. Nays: None. Motion carried by 5/0 vote.

Mr. Leaberry asks about putting back up the Haymarket Self Storage sign. Councilman Mohr will talk to Mr. Minchik about changing the sign.

Shoppes at Haymarket, Leaberry Lane, sand blasted free standing signs - 20 square feet on Washington Street and James Madison Highway the same as the Food Lion signs [above]. Mayor Kapp asked Mr. Leaberry if he wants approval now. Yes. Councilwoman Bailey moved to approve with the same brick on the bottom and round posts, second by Councilman Utz. Yeas: Bailey, Scarbrough, Utz, Shepard, Mohr. Nays: None. Motion carried by 5/0 vote.

Mr. Leaberry is to have the sign drawing done professionally and brought back in.

Citizen's Time

Mrs. Turner states she spoke with Jim Payne and because of what was done in Haymarket all the

little towns are doing it also.

Architectural Review Board

Councilwoman Scarbrough reported the actions of the ARB. She states the railing for the Red Rooster shop is still outstanding. The architect is to be looking into that. Mayor Kapp asked if he is charging us as council did not approve any money.

BZA

Nothing to report.

Planning Commission

Councilwoman Bailey reported and asked if Mr. Newlon was asked about the town center property signs. He was asked.

Historical Commission

Mrs. Heard thanked the Mayor and Town Council for the book money [for printing]. They are prioritizing their work projects by June 2 and looking into Winterham and the Welsh house for video and web site. [Her husband is a web site designer.]

The Historical Commission would like to buy a computer to store data, about 80 gig hard drive.

Mrs. Turner states there has been good sales of the book, over \$1,000 in sales of books and tee shirts. She is working on a revised edition for Haymarket Day. Mrs. Turner states she had horse shoes and seal patches in a two drawer file cabinet. The shoes were from Saratoga Downs and she can't get them and would like the seal patches back. Also pictures of Jordan house and family that Councilman Mohr was storing. Councilman Mohr states he gave them to Mayor Kapp. Mrs. Turner would like to make copies of the pictures and return them to the Jordan's. Councilman Mohr asks for all pictures and items be turned over to the Historical Commission. Mayor Kapp will give them to Mrs. Heard who has a safe.

Building Department

Mr. Lowery not present.

ISTEA grant

Mayor Kapp states the seven benches are in and eight trash receptacles. He needs volunteers to put benches together. Councilwoman Bailey states she thought it is on the plan for placement for the trash receptacles.

Councilman Mohr wants to removed some street lights as it is too bright. Councilman Utz asks if we can do a smaller [lumens] bulb. Councilman Mohr says the next size down wouldn't be enough light. Mayor Kapp states not to talk about that now. Councilman Mohr has been trying to talk about this three times.

Councilwoman Bailey asks about the newspaper report of a grand illumination and asks why the council wasn't invited. Mayor Kapp says it was done under the Historical Commission. Councilwoman Bailey does not appreciate that the public, who is paying for the lights, were not invited. Mayor Kapp says when all the benches are installed we'll have a grand illumination later. Council members do not appreciate that: Bailey, Scarbrough, Utz and Mohr.

The Clerk asked about billing Mr. Wilbourn for curb and Mrs. Farr for the enhancement proffer on her property. He asked if I had the quotes from Gull. There may be additions he said.

Mayor Kapp says beside the Old Bank Cafe flat inlet, he walked around with VDOT and contractor and Contrucci states he will put in 5' sidewalk to the end of the building [on Jefferson Street side] if we will have the inlet installed. He states VDOT gave the inlet and the contractor did it for \$2000. We can add the curb to Wilbourn's bill. Councilman Utz asks if Contrucci told him [contractor] to do the work. Councilman Utz states it is not our bill to pay. Mayor Kapp told the contractor he could not authorize the work. He went ahead and did it. Mayor Kapp states he told the contractor he could not authorize it in the presence of VDOT.

Farr property. Councilman Mohr states we didn't know we were putting the wall in there. Councilman Mohr asks if it is proper to charge them for a wall if we didn't know there would be a wall. Atty Arledge was asked for a legal opinion. The plat does not show a wall. Mayor Kapp says this was six years ago when it was rezoned R-1 to B-1. Proffer says to comply to VDOT and town requirements. Mayor Kapp says it was on the engineering plans. "Section 6 will be provided at time of site plan approval." Mayor Kapp says refers to site plan approval for rezoning, paragraph 8 Storm Water constructed Paragraph 4 Sidewalk and curb, paragraph 6 widening of street on Fayette Street. Council does not think Fayette Street was widened. Clerk to get cost of storm water on corner of Fayette Street and one drain to the first driveway (2 inlets).

Mayor Kapp will get the length of that curb and other and bill it to Tom Blazer.

Mayor Kapp states he got the paperwork back [from VDOT-Bob Cassada] for last years grant money. We can start spending it now. Mayor Kapp has not heard back on the new application. Mayor Kapp will ask Columbia Gas to put in new line for next phase. All utilities will be moved. Councilman Mohr will look for grants to pay for the street. Councilman Mohr reminded Mayor Kapp he would get funds from Senator Warner. Mayor Kapp asked him about the town center renovation not the street. Councilman Mohr will contact Senator Warner.

Seminar - Virtual Communities, e-government - in Richmond \$85 registration. Councilman Mohr would like to go. Councilman Utz moved to approve registration, mileage and meals expense, second by Councilwoman Scarbrough. Yeas: Bailey, Scarbrough, Utz. Nays: Shepard. Abstain: Mohr. Motion carried by 3/1/1 vote. Charge to training budget line item.

Town Center Property

Christopher Consultants, lease for town center property potential tenant, middle second floor and end on Jefferson Street side, 2,598 square feet. Mayor Kapp states Daffan \$77,000 does not include HVAC and zone for electric meter. Mayor Kapp made a matrix which compares figures. We have a responsibility to bring the building up to certain state to lease it.

Mayor Kapp states he asked the contractors to reply to his matrix designating town responsibility and tenant responsibility. Ball park figures are \$95,000 to \$100,000. Councilman Mohr asks if that includes the facade. No, Mayor Kapp states he is negotiating to remove the six month drop dead date for that. Mayor Kapp states tonight council has to decide whether we want this tenant. Mayor Kapp says he is for them as they are a stable long standing company and the town will make roughly \$240,000 in five years @ \$16 a square foot with escalation. Councilman Mohr says these figures do not include HVAC and networking preparation.

Councilman Mohr says using Councilwoman Scarbrough's figures this is three times what we originally spoke of in expense. Councilman Mohr says Councilwoman Scarbrough is using \$45,000 construction cost for her proposal, using true costs it will be many years before we get money back. Councilwoman Scarbrough's proposal lets them do their own improvements and they pay a lower rent.

Councilman Utz agrees we certainly need to do something not out of pocket whether it is \$10 a square foot or rent free for a period to make it work. Councilwoman Mohr agrees he would rather reduce to \$10 a square foot five year lease to eight year lease. Councilman Mohr would not go below \$10 a square foot. We could also pay balloon at end of lease.

Mayor Kapp says if we charge them \$10 square foot and someone else we charge \$16 square foot it is public information. If we charge \$16 and amortize on three years or four or five years for positive cash flow and renovate space. Whether he would agree to fund entire renovation, Mayor Kapp does not know.

Councilman Utz asks if there is any truth to the rumor there is no ventilation in the roof and it is rotting through. Mayor Kapp does not know and states we could ask Mr. Lowery.

Mayor Kapp had HVAC in 15018 [2nd floor] - no comment from them. Councilman Mohr says he had Mr. Lowery inspect the roof carefully and he said it was in good shape. Councilman Mohr would like to look into the ventilation fans for attic. Council agrees.

Councilman Utz suggests we compare HVAC bids. How do we work out the strategy to negotiate. As it is now he says we can't do it. Mayor Kapp will get a break out matrix and get a copy to everyone. Councilwoman Bailey asks if the bids will be apples to apples Yes, Mayor Kapp says.

Councilman Utz warns to be cautious to include needed items and not leave out something we don't want. Councilman Mohr would like to have an engineer other than Mr. Lowery to review it. Councilman Mohr wants to let these people know we don't have this kind of money and not string this out.

Councilwoman Scarbrough suggests we see if they will bite on negotiating. Mayor Kapp says they came up with sixty two parking spots.

Councilwoman Bailey states there is a page missing. Atty Arledge says there are gaps. Atty Arledge states Goldsmith e-mailed this draft to him. If you have original lease you can fill in the missing portions.

The Clerk asked for a copy of the original lease as there is not a record copy.

Facade - Council does not want to have it installed in six months. About 18,000 and pave parking, \$18,400. Councilman Mohr went back to old minutes and the only discussion is Gossom would pave the area and nothing says different. Councilman Mohr feels we don't have a \$20,000 bill to pay. Councilman Mohr asks how many parking spaces we are required to have. Councilwoman Bailey says we've never gotten the total square footage of the property. Mayor Kapp says he doesn't know how big the Red Rooster is. Councilman Utz asks if the PC will look into it. Councilwoman Bailey says there is no one on the PC to do it. Councilman Utz

withdraws.

Councilman Mohr asks how CCL can do a plan without figures. Mayor Kapp says an agreement as part of the contract [exhibit purchase contract] states repair and pave one half of the parking lot.

Councilman Mohr thinks Councilwoman Scarbrough and Stutz should continue with it. Councilwoman Scarbrough says she has not talked to him [Goldsmith]. She will discuss this with Ms. Contrucci. Mayor Kapp says we should have contractor data by the end of the week [June 1].

Atty Arledge says CCL is looking for a counter proposal not something vague. Mayor Kapp says they have a July move date. Councilman Mohr suggests to call them and tell them we can't fund it and we'll offer less rent at \$10 square foot and if not don't waste the time spinning our wheels. Councilman Mohr wants Councilwoman Scarbrough to make the phone call.

Councilwoman Scarbrough states she spoke to a realtor yesterday with people who want space. Councilwoman Bailey asks if CCL wants to move in July do they expect the renovation to be done? Mayor Kapp says he has two contractors that will do it in six weeks if we approve the contracts. Mayor Kapp suggests we get bids back from contractors. Councilman Mohr says why go that far if they aren't interested. We don't need to waste contractors time if it is not a go. Agreement to contact them from Bailey, Utz, Scarbrough, Mohr.

Mayor Kapp asked Mark Sheehan [insurance company] if when you get a space is a certain amount due. Mr. Sheehan states basic is white space, walls and ceiling. Mayor Kapp states we should at lease supply a drywalled shell.

Councilman Utz asks how much money we have to spend, \$15-20,000 to put up a shell? Tom Shultz [Helping Hands Construction] says you could do that for \$20,000, but \$15,000 is a realistic figure for commercial space flooring unfinished, drop ceiling, four walls, no paint. Not required to have a certain amount of electrical plugs. Mr. Shultz says middle building floor has a lot of buckles. One half of building needs a cover of underlayment [about 40' x 40' area \$1200]. Councilman Mohr would not entertain networking. \$12,000 HVAC cost for that area.

Councilman Utz asks how much money do we have to put into doing the town center section. Councilman Mohr asks what the \$25,000 was for? Mayor Kapp states it was for the town hall only and we can't use loan money for anything but town hall or ISTEPA. We have spent all the capital improvement funds for 2001. Councilman Utz says since we don't have money available we need to go back to the \$10 square foot plan and they do the build out.

Mayor Kapp says we could budget this in the July 1 budget. Councilman Utz asks the \$14,000 for A/C, where does that come from?

Councilman Utz, Mohr, Councilwoman Scarbrough and Bailey agree to offer \$10 square foot and that is all we can do. Councilwoman Scarbrough to call them Friday, May 25. Atty Arledge asks if that includes the HVAC and is the town expecting a certain standard. Councilman Mohr says we could agree they leave a shell when they leave plus one year for facade. Councilman Mohr thinks we need to do the A/C so we have control. Mayor Kapp says if we meter the circuit breaker they will pay their own electricity. Councilman Mohr says let them do the A/C too.

Councilman Mohr asked Mark Sheehan what is the going rate of substandard space. \$10 square foot Mark says, that is without walls, etc.

Mayor Kapp says at difference of \$6 square foot at 1700 square feet is \$81,000 for five years. \$103,500 with their \$22,500. Mr. Shultz asks if they are aware of the costs of tenant fit out.

FOIA request

Patrick Wilson, Potomac News reporter, sent in a request due by June 1. Atty Arledge says it is everyone's responsibility to get to Clerk the information requested. Atty Arledge says FOIA requires specificity and he'll respond to this request. FOIA required council and town employees respond. Atty Arledge suggests by June 22 to give to Patrick.

Tom Utz left at 9:50 p.m.

Municipal Code - draft due here in May. The Clerk will call.

Web Site - Mayor Kapp talked to Karen she hasn't made corrections yet. If you click up McCormack you get Cobb house. Councilman Mohr asks Atty Arledge if you can plagiarize work. He states most of the site is his work with her name on it. Atty Arledge says difference is an academic issue as a copyright. Councilman Mohr says she won't answer his phone calls and he is disturbed. Other than changing color and taking off some stuff it is his work. She says she did it and turned it in as her own project. Atty Arledge states legal issue may be a copyright with the town. Councilman Mohr says the school can contain the rights to use this web site. He has a problem about her getting credit for it. Councilman Mohr thinks we should get it back under our control. The name has been lost as it was only for one year. Vice Mayor Shepard asked about Michelle Heard's husband doing it.

Councilwoman Scarbrough moved to bring the web site back inside the town hall, second by Vice Mayor Shepard. Yeas: Bailey, Scarbrough, Utz, Shepard, Mohr. Nays: None. Motion carried by 5/0 vote.

Ordinance for light posts, etc.

Mayor Kapp asked if it is ready to go to public hearing. Atty Arledge is putting the ordinance together.

Councilman Mohr states we need an ordinance on cruising before McDonald's is up. Atty Arledge to get Manassas ordinance.

Youth Center

Councilman Mohr states he is ready to start. He has someone to do plans on June 2. He read Mr. Lowery's punch list and states Mr. Lowery has not discussed use and how many people will be there at one time. Councilman Mohr states Mr. Lowery threatened him it would cost so much money to open there that Councilman Mohr will never get it. Councilman Mohr is looking into finding another Building Official for us. Councilman Mohr went back through the minutes to 1999 and found many references to replacing him.

Mayor Kapp suggests to Councilman Mohr to have the youth center on the garage end and have the dance studio rent the long part for five years and it will be renovated with dance studio money. Dance Studio estimated at \$23,000 with five years \$100,000.

Budget Session - schedule

Haymarket Grocery lease

Atty Arledge asks about Haymarket Grocery sub lease for deli. Councilman Mohr asks Atty Arledge if he sees any problems. No, he replied. Councilman Mohr asks in sub lease if the sublessor does not pay does the tenant has to pay us. Atty Arledge says the town has the authority to do the details of the contract. Councilwoman Scarbrough moved to approve sub lease of deli, second by Vice Mayor Shepard. Yeas: Bailey, Scarbrough, Utz, Shepard, Mohr. Nays: None. Motion carried by 5/0 vote.

Councilman Mohr left

Audit

Councilwoman Bailey moved to approve Miller Musmar as our auditor and get on it ASAP, second by Vice Mayor Shepard. [Contract price \$3500 to \$3900] Councilwoman Scarbrough states it is the best price. Put in 2002 budget year. Yeas: Bailey, Scarbrough, Utz, Shepard, Mohr. Nays: None. Motion carried by 5/0 vote.

Unpaid Bill

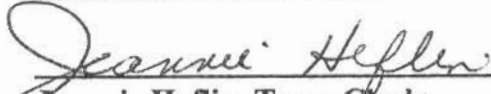
\$2,720 F&M Bank - interest on loan.

Councilwoman Scarbrough moved to pay, second by Councilman Mohr. Yeas: Bailey, Scarbrough, Utz, Shepard, Mohr. Nays: None. Motion carried by 5/0 vote.

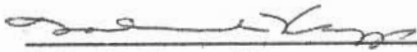
Adjournment

With no further business to discuss the meeting adjourned at 10:30 p.m.

RESPECTFULLY SUBMITTED:


Jeannie Heflin, Town Clerk

APPROVED:


John R. Kapp, Mayor

STATS FOR APRIL 01

MILEAGE 1999
 GAS 155.8
 PRICE \$276.22
 W-TICKETS 43
 P-TICKETS 0
 UTS 35
 L-FELONY 0
 E-MISD. 2
 REPORTS 3
 COMPS 53
 FR-300 0
 HRS WORKED 312

17 R/O TICKETS

BACK-UP PWC - 3

1 MISSING PERSON - FOUND

BACK-UP USP - 2

1 TOWED VEHICLE

1 HIT + RUN

1 GRAND LARCENY - CIVIL NO CRIMINAL

1 RUNAWAY TOT FAIRFAX COUNTY

1 WARRANT SERVED -

1 - FAMILY DISTURB. LONG ST. COMM. CIVIL

1 - LOUD MUSIC COMP. - ADVISED

1 - HARASS. NEIGHBOR - LONG ST. COMM. - ADVISED

1 - DISORDERLY - STREET - ADVISED

1 - 10-90 RESIDENCE

1 - 10-90 84 LUMBER