

**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

Nancy Bailey, PC Liaison

Tom Utz

Mary Lou Scarbrough, ARB Liaison

Doug Mohr, PD Liaison

**Pam Stutz, Historical Comm. Liaison
(absent)**

Citizen's Time

Rich Minchik, Haymarket Self Storage, progress made on road [being blocked] and speaking with Atty Arledge, who did some research, they did not have permission to park equipment on that area. [There is a 35' easement.] He asks Council to give Jim Lowery and Jim Roop to have authority to enforce that. Councilman Mohr says where trailer and dumpsters are parked the visibility is blocked for his business. He is also asking for Mr. Leaberry to park construction trailers on his property.

Christine Barringer submitted a proposal to create a Welcome package to new residents of town. She is willing to do the work to target market for new residences coming to this area. Contents would be "Crossroads at Haymarket" booklet, self guided tour of Haymarket, Bull Run Natural Area brochure and local business coupons. She would like permission from Council to represent the town council with business owners and developers with the package. Councilwoman Scarbrough states she thinks this is a good idea. Council gave her permission.

Tom Shultz, Helping Hands Construction, Longstreet Commons asked Council to change commercial vehicle policy, no vehicle over 12' in length or over 7' in height or over 12,000 pounds. City of Manassas had the same policy and changed it to 21' in length and 102" in width due to the oversized passenger vehicles. Sent to the Planning Commission.

Daryl King, owner of an engineering company just over the town border, petitions intent to build a new building with the town architecture for a car wash (self serve) and detail center behind the mini mart (Q Stop). Letter of intent submitted.

Bill Peters - Lot 9, 18th Century Haymarket states there is a drainage problem at his property. He wants Council to be aware before Ryan Homes pulls out. His sump pump comes on with a minimum of rain.

Minutes of previous meeting

Vice Mayor Shepard moved to approve with corrections notes and dispense with the reading of the minutes, second by Councilwoman Bailey. Yeas: Shepard, Bailey, Utz, Scarbrough, Mohr. Nays: None. Motion carried by 5/0 vote.

Police Report

Councilman Mohr reports 2,475 miles driven, 190.4 gallons gas purchased, 43 warrants, 5

parking tickets, 2 reports, 419 cases worked, 4 reckless driving, 1 property damage, 1 grand larceny, 1 BA, county assist with three calls. They have a candidate for the police officer position. Sgt. Putnam was paid the hours as directed by council. Need about \$8,000 to pay the bills.

Treasurer Report

First Virginia Bank general fund checking account beginning balance \$185,890.03, expenses for March \$61,586.77, deposits for March \$225,731.91, ending balance \$350,035.17.

Unpaid Bills

\$164.18 Fleet Leasing - copier

\$155.76 Potomac News - legal classified

Councilman Mohr asks about E&S administrator bill from Burgess & Niple. Clerk says we were charged for meetings and letters asking for E&S inspection reports from the time we stopped using their inspection service and when Mr. Lowery was hired as E&S program administrator. Mr. Lowery says reports are due to him on work they did. Mr. Lowery to write them a letter. Mayor Kapp will get with John DeBell and negotiate the cost and get final inspection report.

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

Unpaid bills - ISTEIA

Councilman Mohr asks why the street lights are not lit. Mr. Stickman, Leo Construction, is waiting for Mr. Lowery to inspect.

Gull Corp. - hold \$43,072.79 until done.

\$11,103 B&N - Councilwoman Bailey asked what the status was of the B&N inquiry.

Councilman Mohr wants a detail of expense. He asks if we are going to continue with Burgess & Niple. Mayor Kapp says the engineering for phase IA is done. Councilman Mohr says we can't dispute the bill unless we go through legal channels. Councilman Utz asks why everyone's driveway is higher than the ones on the east end. Councilman Utz asked why the street is a mess and asked that the questions asked at the VDOT meeting were never answered.

The bills are here before us at this time. Councilman Mohr states the engineer stated VDOT approved and designed the elevations long ago. VDOT says it goes back to engineering design of street, back to the original design from the town. VDOT says there is no correction now, we have to continue on. Mayor Kapp will bring it up at meeting [VDOT, all utilities] at the residency on Thursday. To fix it we would have to pay and go to court to get it reimbursed.

Councilman Mohr suggests we put more time in the contracts as it is so generic we have no grounds to stand on.

Councilwoman Bailey moved to pay Burgess & Niple \$11,103, and \$5,173, Glen Gery Corp for brick \$3257.28, \$26,852 Dominion Va. Power for utility pole removed, second by Councilman Utz. Councilman Mohr thought utility pole removed from the north east corner of Washington & Jefferson Streets and new pole behind the Red Rooster were in the right of way [we wouldn't have to pay to move it]. Mayor Kapp states it is now but wasn't then. Councilman Mohr asks what gave them [power company] the right to not put the utilities underground. Mayor Kapp states the ordinances says new development goes underground. Yeas: Shepard, Bailey, Utz, Scarbrough, Mohr. Nays: None. Motion carried by 5/0 vote.

Business License

A&S Auto, 6707 Fayette Street #7, independent vehicle dealer - Vice Mayor Shepard moved to approve, second by Councilman Utz. Yeas: Shepard, Bailey, Utz, Scarbrough, Mohr. Nays: None. Motion carried by 5/0 vote.

Construction Permit

Omnipoint/VoiceStream Wireless, 15175 Washington Street, antennas installed and repair tower structure - Councilwoman Bailey states she has a problem with this. When it came before the PC applicant stated the base of the tower has been deemed unsafe and has to be redone. Councilman Mohr asks about last year when Nextel went on that tower. Mr. Lowery says the tower was fine one year ago but they want to put antennas on and the tower will take a wind whip. Mr. Lowery states Costello property is eroding due to no storm water management. The danger is to the front column.

Councilwoman Bailey states construction permit was tabled until they take care of the tower. Tabled.

Councilman Mohr asks about screening and fencing others were to do. Mayor Kapp states that is not the subject being discussed.

Donald B. Rice Tire Center, 15161 Washington Street, Goodyear Truck & Tire Center, sales and service under roof - Mr. Lowery states that address needs to be changed to lumber lane. Mayor Kapp says it has not been changed at the county. Mr. Lowery states it was changed. Mayor Kapp will call the county April 17. They have to go to the PC & ARB because they will change the building windows and doors. Councilwoman Scarbrough states we shouldn't approve it until the building is ready. Tabled.

Sign permit

A&S Auto, 6707 Fayette #7, independent vehicle dealer - Vice Mayor Shepard moved to approve, second by Councilman Utz. Yeas: Shepard, Bailey, Utz, Scarbrough, Mohr. Nays: None. Motion carried by 5/0 vote.

McDonald's, 6740 Leaberry lane, internally illuminated roof signs (one on each side) - PC & ARB approved. Councilwoman Bailey moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Bailey, Utz, Scarbrough, Mohr. Nays: None. Motion carried by 5/0 vote.

Construction Permit

Peters, 6782 Jefferson Street, Lot 9, deck (wood) - Councilwoman Bailey moved to approve, second by Councilman Utz. Yeas: Shepard, Bailey, Utz, Scarbrough, Mohr. Nays: None. Motion carried by 5/0 vote.

Cooke, 6897 Jockey Club Lane, brick veneer siding - ARB approved. Councilwoman Bailey moved to approve, second by Councilwoman Scarbrough. Yeas: Shepard, Bailey, Utz, Scarbrough, Mohr. Nays: None. Motion carried by 5/0 vote.

Certificate of Appropriateness

15020 Washington Street, porch (stoop) railing at Red Rooster Antique Shop - Mayor Kapp states VDOT would charge us \$1600 to install a railing. Alan Gossom will build one for \$600. Councilman Mohr asks if this isn't a design issue. Mr. Lowery says VDOT is exempt from code

on a VDOT process. BOCA requires a landing, VDOT and GSA are exempt from state code. The ARB did not approve it. Mayor Kapp says the Council can approve it.

Mr. Lowery says it has to be 42" tall from the landing surface with pickets no more than 4" apart. ARB to pursue.

Planning Commission

Councilwoman Bailey asked if PC can write a letter to annexed property owners to re-zone their property [that came in as R-1 but is I-1 use] or shut down the business until they apply for re-zoning. Atty Arledge states we can not stop them as long as they continue their current use. They do not have to re-zone, the town can re-zone if they want to.

Councilwoman Bailey says where Alibi Caterers is wasn't there [when the property was annexed]. Mr. Lowery says they were under legal permit by Prince William County.

Reuter, St. Gabriel's Executive Park, 14540 John Marshall Highway - storm water management pond to combination solar pond and storm water management pond - Councilwoman Bailey talked to Jim Payne, town engineer, since it is not a by right use we don't have to grant the use. Councilman Mohr asks the difference in solar and storm water management pond. Councilwoman Bailey states the solar pond is 8' deep and would be filled 365 days a year, not a dry pond. Mr. Payne says when we get into solar and storm water management pond in R-1 use for a use not connected to the property it is a zoning issue

Councilman Mohr thought council approved the path of annexing. Councilwoman Bailey states that was to pursue only, not approval. Councilwoman Bailey says if they annex in we will have the same thing as we have in the west end of town. Councilman Utz states the solar pond will generate electricity to light the pond/park. Councilwoman Bailey is concerned with the 8' deep 216' long pond. Mayor Kapp states he talked to Mr. Payne who would talk to Mr. Reuter since the site plan pond did not match the write up on the solar pond.

Councilwoman Bailey says park will only be open 8 a.m. to 5 p.m. week days, not week ends, entrance through front only. Councilwoman Bailey says they are a federal facility and won't leave the park open weekends. Mayor Kapp suggests we invite Mr. Reuter to the next council meeting May 7. Councilman Mohr wants minutes of Reuter's visit to Council.

Town Center District B-3 - Councilwoman Bailey asked Atty Arledge about the B-3 district, we had a public hearing, and asks if council can adopt the B-3 district and property owners would be B-3 non-conforming use and we would have to have a zoning map amendment public hearing. Atty Arledge doesn't think we have resolved the issue that this is a down zoning and haven't worked out issues. Council will have to have another public hearing. Councilwoman Bailey says the B-3 was approved by PC with no changes and concerns were addressed. Councilman Mohr says Council wanted the concerns addressed and changes made. Councilman Mohr wants a list of the concerns of the B-3 ordinance for Council.

Business License

Donald B. Rice Tire Co., 15161 Washington St. - Goodyear tire center - Councilwoman Bailey moved to approve, second by Councilman Utz. Yeas: Shepard, Bailey, Utz, Scarbrough, Mohr. Nays: None. Motion carried by 5/0 vote.

Site Plan Review

84 Lumber, retail facility, Washington Street - tabled to next month for VDOT issues

Site Plan submittal process - Councilwoman Bailey submitted the procedure: six copies submitted, one to engineer, town copy, building official, fire marshal. Councilwoman Bailey talked to Mr. Payne and Mr. Lowery. She asks council to adopt the process. Councilman Mohr asks if this includes E&S. Yes, it is part of the site plan. Councilman Mohr wants a time limit so we don't have the same things that happened at 18th Century Haymarket. Mr. Lowery states 180 days is all a site plan approval is good for once it is approved to act on. Site plan acted on is good for one year, per state law. Councilwoman Scarbrough moved to approve, second by Councilman Mohr. Yeas: Shepard, Utz, Scarbrough, Mohr. Nays: None. Abstain: Bailey. Motion carried by 4/0/1 vote.

Light Fixture Heights - language submitted.

Trailer - did not get definition from Mr. Van Zee, NVRC. Tabled.

Permit & Fee Schedule - submitted

Public hearing needed for zoning text amendments GH&I

Councilman Mohr asks if we want 28' light poles up to 84 Lumber. Councilman Mohr says it would be 28' lights in the parking lot. Atty Arledge says we need objective criteria on this.

Historical Commission review of submissions - PC voted 5/0 not to give Historical Commission review of permits.

Violation notices - PC directed the Clerk to send letters to Hairmarket and PW's to take banner down. Councilman Mohr asks why not Sheetz and 84 Lumber. Councilwoman Bailey says the banners were not up when the PC directed the letters go out. Council agrees send letter to al. Councilwoman Bailey says she did not see the other banners.

Comprehensive plan Update - Mr. Vanzee stated Occoquan and Dumfries were getting \$25,000 help with their comp. plan update. Councilwoman Bailey has been informed they are not getting it.

Longstreet Commons street lights - Bob Custard wants two more street lights in Longstreet Commons. He asks if council will pay for the monthly fees? Council wants a letter and they will vote to pay. Mr. Lowery says they need a permit.

Parking on Hunting Path Road - Mr. Duckett wants council to call VDOT regarding parking on both sides of Hunting Path Road. Councilman Mohr asks clearance for vehicles for both sides. Mr. Lowery says it is 24' clearance.

PW's new lights on awning - PC send to ARB.

Zoning Text Amendments - PC recommended approval zoning text amendments we had done before. On questions #7 Councilwoman Bailey states council changed 3,000 square feet maximum retail space to 12,000 maximum space for the potential new post office. The post office has been put on hold. She would like to re-address that with the PC. We don't have

anything that would be 12,000 square feet. Mr. Lowery states the post office wanted 18,000 sq. Ft. He says we went to 12,000 for a drug store for B-2 district.

Special Permit

McDonald's site plan - Mayor Kapp states he talked to engineer, everything is okay. Vice Mayor Shepard moved to approve, second by Councilman Utz. Councilwoman Bailey says only issue outstanding is the curb cut to Sheetz. Sheetz has not agreed. Councilwoman Mohr wants to know where the dumpsters are. Mr. Shreve says there is a brick wall behind to screen dumpsters with landscaping. Vice Mayor Shepard amends motion to add bond amount \$24,949.92, second to amendment by Councilman Utz. Yeas: Shepard, Bailey, Utz, Scarbrough, Mohr. Nays: None. Motion carried by 5/0 vote.

McDonald's subdivision plan - subdivision of approximately one acre off the Leaberry property. Vice Mayor Shepard moved to approve, second Councilwoman Bailey. Yeas: Shepard, Bailey, Utz, Scarbrough, Mohr. Nays: None. Motion carried by 5/0 vote. Mr. Lowery is waiting for signed site plan for construction permit.

Car Wash, B-2 district

Daryl requests council consider a zoning text amendment to permit a car wash behind Q Stop in the B-2 district. Councilman Utz thinks it is a great idea as long as it is first class, lighted with all the bells and whistles, manual bays not open all hours. The application is three automatic bays with 24 hour service at two stations there now. The detail (high end) would have limited hours within 130' of the existing building. Atty Arledge says you can limit use to mitigate issues. Councilman Mohr says we need to look at cruising issue and loitering.

Public hearing scheduled for PC May 29 and Council June 4. Councilwoman Bailey to write the ordinance.

Rex Phares, 15201 Washington street, storage of boats, motor homes and trailers - not permitted use currently. Zoning text amendment required for I-1 district, six acre site. Mr. Phares says there is a problem with water and mud back there. Councilman Mohr asks if this use would be under roof. No was the answer. Councilman Mohr states the self storage folks wanted to have that use and we denied it. Now we are telling Phares yes. Mayor Kapp states the self storage is negotiating with Signature Kitchens and Frogale for storm water management. Councilman Mohr states we said no before because we had cranes parked outside. Mr. Lowery says Haymarket Self Storage abandoned the request as the pond was dedicated to the town, the town can allow anyone to tie into the pond. Mayor Kapp says it was on the site plan. Mr. Lowery says there is a maintenance agreement for as long as it is being used.

Atty Arledge asked if the land was given fee simple. He states the town has to accept the property. Mr. Lowery says documents are being sent to Atty. Arledge's office. Councilman Mohr states Prince William County charges builders and developers money to maintain SWM ponds.

Councilman Mohr asks about overflow pipe coming on the RR track and down to Phares property. Mr. Lowery says pond has not leaked yet. Mr. Lowery says RR laid pipes that were installed improperly, they created the problem and Washington Gas caused the mud problem.

Councilman Utz says Councilman Mohr's point we vacillate back and forth. Atty Arledge states

we might consider as a special use. Councilman Mohr says it is good use for that property. Public hearing scheduled for May 29 PC and June 4 Town Council.

D&J Excavating - Mr. Lowery reports they are parking trucks dumping lots of mulch. Mr. Phares states they have been doing it all along. Mr. Lowery says he talked to Costello's people who lease the property. It is a zoning violation, not a building code.

Clerk to send letter to Mr. Don George, D&J Excavating, copy to Costello and Durham. Violation notice, second notice, is a misdemeanor at \$250 fine a day. Atty Arledge to look at.

Architectural Review Board

Railing for Red Rooster

Board of Zoning Appeals

Nothing.

Historical Commission

Mayor Kapp sates book sales are going well \$1700 to \$1800 sales to date. Friday the ladies are lunching at Napoleons to plan a book signing. The new chair is Michelle Heard, who needs to be appointed. Councilwoman Scarbrough moved to appoint Michelle Heard to Chair of the Historical Commission, second by Councilman Mohr. Yeas: Shepard, Bailey, Utz, Scarbrough, Mohr. Nays: None. Motion carried by 5/0 vote.

Mrs. Turner would like to plan the markers for the historical notations. Mayor Kapp says coordinate with the Historical Resources.

Mayor Kapp received a letter from the chairman of the book committee reminding council of approval of \$3700 for cost of printing the book. Councilman Mohr states the \$3700 agreement was council would be reimbursed with the sales of the book. Mrs. Turner states they need the money to pay toward the \$9000 bill. Mrs. Turner states all proceeds from the book goes to the Commission.

Councilman Mohr states we budgeted \$10,000 with \$1500 expenditures. Councilman Mohr moved to pay full invoice minus \$1700 they have now, second by Councilman Utz. Yeas: Bailey, Utz, Scarbrough, Mohr. Nays: Shepard. Motion carried by 4/1 vote. They must repay the town. Payback \$387 plus personnel difference of expenses to be paid back. Vice Mayor Shepard asked what the was motion, regarding Mrs. Turner's [money] from the book, council made previously.

Building Official

Phares, bond money - did we go after it, Mr. Lowery asks. Atty Arledge states we filed a demand with Safeco. It is not clear when we will be paid, will probably be a few months. Atty Arledge states the money at settlement held is between the buyer and seller. Once bond is paid we can release the cash being held. Councilman Mohr says road situation is still a problem. Mr. Lowery says that is Lambradozzi's fault. Haymarket Self Storage will clean pond and reconnect pipes.

Costello - letter from Mr. Lowery his property is eroding into the Haymarket Self Storage pond.

Frogale & lumber storage yard - they are in process of bringing water in, issue to tie into existing

pond. Lambradozzi trying to lease one half of building and wants to pave area.

Phares/Witcher property - Councilman Mohr states they are putting in a road. Mr. Lowery says no they re cleaning up.

Haymarket Self Storage, road, construction trailer - Mr. Lowery states he approved the installation there and is anchored to the pavement. The containers moved to same side as trailer. All the area has been cleaned up, all personnel will park elsewhere. Mr. Lowery says it is a private road, it belongs to Leaberry.

Councilman Mohr states he was there today and a concrete truck was blocking the roadway. Atty Arledge states it is a private right of way, the party that has easement can sue the person who gave easement. Atty Arledge questions approving the placement of trailers.

Lombradozzi took down the fence, Leaberry's bought 10' off Lambradozzi for dumpster. Mr. Lowery states everything is being done to please Haymarket Self Storage only thing left is an abandoned auto.

Signature Kitchens - [office] trailer belongs to Freuling . Lambradozzi gave them permission to park there. Mr. Lowery says the issue is they had trailer on Lambradozzi property when they were in Herndon. If it isn't moved by 4 p.m. Friday the zoning administrator should have it moved.

Mayor Kapp says we haven't sent them a letter with 30 days to remove trailer. Second letter to Noell Crane to remove trailer behind the building.

Councilman Mohr asks if two green dumpsters can be moved. Mr. Lowery says they are construction trailers for storage. Councilman Mohr says they blocked the visibility of Haymarket Self Storage. Councilman Mohr states people in the trailer need to tell delivery people to keep out of the road. Mr. Lowery states concrete trucks will be lined up at 4 a.m. on Thursday to pour floors of the retail shops.

Cross connection - Mr. Lowery sent to Atty Arledge.

Containers - Councilman Utz says regarding the house with container in yard, the owner put up lattice and took the wheels off, put a foundation around it. Councilman Utz asks if a condition of selling the property be they remove it. Councilman Mohr to look into state building codes.

Closed Session

Councilwoman Bailey moved to go into closed session pursuant to Va. Code 2.1-344(a)3 to discuss town property [Coalition Against Hunger and Town Center] and 2.1-344(a)4 personnel [police officer hiring, Town Clerk, Deputy Clerk and Councilwoman Bailey], second by Councilman Utz. Yeas: Shepard, Bailey, Utz, Scarbrough, Mohr. Nays: None. Motion carried by 5/0 vote.

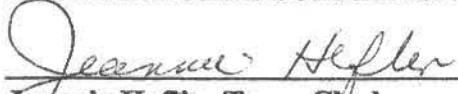
Vice Mayor Shepard moved to go back into regular session certifying nothing discussed except personnel matter of Councilwoman Bailey, Town Clerk and Deputy Clerk, second by Councilman Utz. Yeas: Shepard, Bailey, Utz, Scarbrough, Mohr. Nays: None. Motion carried by 5/0 vote.

by 5/0 vote.

Recess

Council recessed to April 23, 2001 at 7:00 p.m. to discuss the budget and personnel matters.

RESPECTFULLY SUBMITTED:



Jeannie Heflin, Town Clerk

APPROVED:



John R. Kapp, Mayor

tc401-2