

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

PUBLIC HEARING

1. **Special Use Permit, 15165 Lumber Lane, I-1 district, paving contractor**
2. **B-3 Town Center Business District regulations**
3. **Zoning text amendment - Sec. 2-116 height regulations**
4. **Sec. 12-1 Definition of "antique"**
5. **Sec. 12-1 Definition of "collectible"**
6. **Sec. 12-214(3) repeal temporary signs, Banners (B-1) area**
7. **Sec. 12-214(1) amend temporary signs**
8. **Sec. 12-214(2) amend**
9. **Sec. 12-214 Banners (B-3 district)**
10. **Sec. 12-112 B-1 district**
11. **Sec. 12-137 amend B-2 Use regulations**
12. **Sec. 162.1 amend I-1 Use regulations**
13. **Sec. 12-165 I-1 to R-1 buffer requirement**

MAYOR

John R. Kapp

ATTORNEY

John B. Arledge

COUNCIL

James Shepard, Vice Mayor (absent)

Tom Utz, PD Liaison (absent)

Nancy Bailey, PC Liaison

Pam Stutz, Historical Comm. Liaison

Doug Mohr

Mary Lou Scarbrough, ARB Liaison

Mayor Kapp opened the public hearing at 8:40 p.m.

1. Special Use Permit, 15165 Lumber Lane, I-1 district, paving contractor

Reverend Jones, St. Paul's Church, states he believes Mr. Robinson has withdrawn his request. Mayor Kapp will contact Mr. Robinson to confirm. (See below)

2. B-3 Town Center Business District regulations

Mayor Kapp asked all those who would like to speak for.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

Mrs. Crafton asks why the Historical Commission is not included in the overview of this request. Councilwoman Scarbrough states that is what the procedure is now.

Mayor Kapp asked all those against to speak.

First Call - Dottie Leonard spoke against, not because of the uses as they are desirable, but it creates a non-conforming use. She states the town does not need to change the use to attract the people.

Second Call - no one spoke.

Third Call - no one spoke.

3. Zoning text amendment - Sec. 2-116 height regulations

Mayor Kapp asked all those who would like to speak for.

First Call - Leonard spoke for.

Second Call - Crafton-Masterson spoke for.

Third Call - no one spoke.

Mayor Kapp asked all those against to speak.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

4. Sec. 12-1 Definition of "antique"

Mayor Kapp asked all those who would like to speak for.

First Call - no one spoke.

Second Call - Leonard spoke for.

Third Call - no one spoke.

Mayor Kapp asked all those against to speak.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

5. Sec. 12-1 Definition of "collectible"

Mayor Kapp asked all those who would like to speak for.

First Call - no one spoke.

Second Call - Leonard spoke for.

Third Call - no one spoke.

Mayor Kapp asked all those against to speak.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

6. Sec. 12-214(3) repeal temporary signs, Banners (B-1) area

Mayor Kapp asked all those who would like to speak for.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

Mayor Kapp asked all those against to speak.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

7. Sec. 12-214(1) amend temporary signs

Mayor Kapp asked all those who would like to speak for.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

Mayor Kapp asked all those against to speak.

First Call - Ron MacInnis spoke against.

Second Call - no one spoke.

Third Call - no one spoke.

8. Sec. 12-214 (2) amend

Mayor Kapp asked all those who would like to speak for.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

Mayor Kapp asked all those against to speak.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

9. Sec. 12-214 Banners (B-3 district)

Mayor Kapp asked all those who would like to speak for.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

Mayor Kapp asked all those against to speak.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

10. Sec. 12-112 B-1 district amend square footage permitted to 12,000

Mayor Kapp asked all those who would like to speak for.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

Mayor Kapp asked all those against to speak.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

11. Sec. 12-137 amend B-2 Use regulations amend square footage permitted to 12,000

Mayor Kapp asked all those who would like to speak for.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

Mayor Kapp asked all those against to speak.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

12. Sec. 162.1 amend I-1 Use regulations amend square footage permitted to 12,000

Mayor Kapp asked all those who would like to speak for.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

Mayor Kapp asked all those against to speak.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

13. Sec. 12-165 I-1 to R-1 buffer requirement

Mayor Kapp asked all those who would like to speak for.

First Call - no one spoke.

Second Call - Crafton-Masterson in favor.

Third Call - no one spoke.

Mayor Kapp asked all those against to speak.

First Call - Turner spoke against.

Second Call - no one spoke.

Third Call - no one spoke.

(Public Hearing continued until the return of Rev. Jones.)

TOWN OF HAYMARKET, VA.

Chartered in 1799

County of Prince William

REGULAR SESSION

MAYOR

John R. Kapp

ATTORNEY

John B. Arledge

COUNCIL

James Shepard, Vice Mayor (absent)

Tom Utz, PD Liaison (absent)

Nancy Bailey, PC Liaison

Pam Stutz, Historical Comm. Liaison

Doug Mohr

Mary Lou Scarbrough, ARB Liaison

Mayor Kapp opened the regular session at 8:57 p.m. Mayor Kapp opened the meeting with prayer.

Police Report

Chief Roop reported (see attached)

Councilman Mohr asked Chief Roop about the gas line break and asked if there is anything Council can do in the future to help. Chief Roop states they evacuated PW's Eatery. The man (Leo Construction-street light installer) said he had a permit but the area worked was not marked.

Treasurers Report

First Virginia Bank general fund checking account beginning balance \$29,537.03, expenses for December \$50,631.62, deposits for December \$51,219.68, ending balance \$30,125.09.

Unpaid Bills

\$236,073.90 Gull Construction - ISTE A contract

Councilman Mohr moved to pay bills, no second. Motion died.

Annexation Request

St. Gabriel's Laboratories, 14540 John Marshall Highway - Mr. Reuter states he sent the Mayor a letter requesting to adjust the town boundary line to include his property of seven acres, 3 are in town and 4 are out of town. Mr. Reuter states annexation would bring all his property in one place, would provide the town with additional tax revenue, he would have a more identifiable address. He wants to put up a new building for a larger lab facility to produce natural weed control. There is no waste and product is good for environment. New building would be on the rear of the property and a pond to contain the storm water. Once the new building is up they'll tear down the old building (behind brick building) and turn the property into a show place. Their products are sold nationally. They would prepare existing facility for possible Post Office or professional and business offices. The architecture of the new building would be compatible with existing building. The building will back up to Route 66 40' height scaled down to 35', storm water management pond will be one half acre, rest of the three acres will be park like open to the public. They have a small science exhibit open to the public. New building will be 20,000 square feet on a single slab. Access to park area would be Bleight Drive.

Mayor Kapp states they would come in as R-1 and have to re-zone the property. The building will not be visible from Route 66 or Route 55. It will be a metal building with brick and stone facade. They applied to the county with plans. It will take two years to get approval through the county. The county approved all the architectural and plans states Mr. Reuter.

Ms. Crafton-Masterson states she spoke in favor of the proposal at a prior meeting for economic reasons. The facility is a big asset.

Mayor Kapp states the process is to go through the county for their approval and county would do a boundary line adjustment.

Ms. Crafton-Masterson asks about the school. Mayor Kapp says it wouldn't affect the school. If Council approves this he will go to the school and let them know and ask them if they want to consider being brought into town also.

Councilman Mohr says approval of this is not approval of the building and re-zoning. Mr. Reuter says he would like them to happen concurrently.

Mr. Lowery asks if they applied to Prince William County but haven't filed for documents. Mr. Reuter states the site plans and blue prints have been drawn to their (county) specifications. Mr. Lowery says PWC says the only submission [they have] is the re-zoning.

Mr. Lowery has a problem with the shed built on the back. Mr. Reuter says it will be torn down. Mr. Lowery states he likes the project and hopes the town will approve it. They will hook up to water at Bleight Drive.

Mayor Kapp asks Mr. Reuter about the street scape; would he consider installing it in front of his property. Mayor Kapp states he has the design for the next phase [TEA21] which goes to Haymarket Baptist Church.

Mrs. Leonard says the town has not had an industrial use down there. Will there be a proffer for the park and that the rest of the property will remain green. Mr. Reuter will proffer that, he states. The green area will be one acre for the building and parking the rest is green. Mr. Lowery has a set of the site plan.

Councilwoman Stutz states [for Council's information] the county has plans that show a trail on the north side of Route 55 (across from Greenhill Crossing).

Councilman Mohr moves to proceed with motions to do a boundary line adjustment at 14540 John Marshall Highway, St. Gabriel's Laboratory, second by Councilwoman Stutz. Yeas: Mohr, Stutz, Bailey, Scarbrough. Nays: None. Motion carried by 4/0 vote.

Councilwoman Bailey states the Planning Commission discussed this as an M-1 property. The Planning Commission voted against this due to the heavy industrial use. The property is M-2 which is lighter industrial. She would like to take this back to the Planning Commission.

Mr. Reuter has to go to the County with this. The town needs a meets and bounds description. Council scheduled a public hearing for the February Planning Commission meeting and Town Council public hearing on March 5, 2001

Mr. Arledge states we need to have an agreement, Reuter will cover all reasonable costs. Reuter's attorney will prepare all documents.

Councilman Mohr wants to go on record when the paper work goes to Atty Arledge the green space and park are in the agreement and the property will be open to the public. Also that Mayor Kapp states he will speak with the school board.

Atty Arledge states Mr. Reuter must initiate the agreement with the county and town. Proposed agreement would go to public hearing at the county and town and letter to Department of Justice Civil Rights Dept. Petition to local Circuit Court to adopt boundary line adjustment, meets and bounds description required. The town will have to file the petition to the court.

Mayor Kapp states he has had [people express] concerns about changing the 200 year old boundary of the town. They weren't happy when we changed the boundary on Rt. 15 side.

Mrs. Leonard states if it stops with this, it is no problem but she doesn't want to continue to annex industrial property. Councilman Mohr says in the town we have a lot more control over what things look like then the county.

Mayor Kapp states he is on the Citizen's Advisory Committee for the Sector Plan and there is no industrial use planned. Mrs. Leonard says she heard the sixty acres [Carter property] is planned Industrial. Mr. Lowery states it has been purchased for residential.

Public Hearing continued

Special Use Permit - paving contractor - 15165 Lumber Lane, building and office, park

vehicles and equipment - no paving material on site.

Mayor Kapp asked for all those in favor.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

Mayor Kapp asked for all those against.

First Call - Reverend Jones states he met with Robinson who said he is not going to pursue this. Rev. Jones concerns are: (1) noise pollution - large machinery, some 12' tall, on Sundays he hears trucks and equipment over there, (2) air pollution - from exhausts from trucks and asphalt, (3) water pollution and run off - they noted there is runoff from 84 Lumber and Washington Street now on the church property, (4) visual impact - proposed 6' fence with 12' equipment - trucks are visible now. The church is considering to open play fields there and discussed a meditation garden in that area [adjoining subject property].

Rev. Jones states Robinson proposed a 6' fence on the boundary line [for buffer]. Six out of seven Vestry members strongly disagree with that. There needs to be visual and noise pollution buffers.

Robinson proposed cutting down the cedar trees and shrubs and would cut down the buffer. The trees are on church property. The subject property is .6 acres. Mr. Robinson states he currently has one acre and he will need to use every bit of the property. Rev. Jones wants the buffer to remain at 35'.

Rev. Jones feels this is an incompatible use for this property.

Second Call - Mrs. Leonard ditto Rev. Jones states citing that St. Paul's is the historic core and most historical site in the town. She does not want to see more industrial uses encroaching. Mayor Kapp states for information the use is permissible by special use permit.

Third Call - Mrs. Crafton-Masterson states she is personally opposed to the "use" of property. The Historical Commission should give serious consideration for encroachment idea being brought up here. The whole Fayette Street area is the most historical and the building is the most historical.

Mrs. Turner spoke against.

Public hearing closed.

Back into regular session.

Old Business

Greenhill Crossing bond release Sec. 1, 2, 9 and refund of Street enhancement escrow overpayment - Councilman Mohr states as they [Council] discussed at the last meeting the town will not release escrow until the work is done. Mr. Gould says the town said they wanted to hold escrow until the street enhancement was built to meet Greenhill Crossing at Section 9. In 1997 \$36,407. was in escrow for Section 9 for curb and gutter, landscape, one street light and brick pavers. Also \$26,475. was in escrow in 2000 based on a bid for the work in Section 8. The original ('97) escrow includes \$2,000 for placement of the concrete sidewalk that is also included in the 2000 escrow. Mr. Gould would like that \$2000 back. The sheet for the town landscape

was \$1000 and the work has been done by Peterson so Mr. Gould would like that \$1000 returned. There was only one street light required to be put in and they paid for three street lights @ \$3000 each. Mr. Gould would like that \$6000 back. A total of \$9000 needs to be refunded to Peterson.

Councilman Mohr states there may be a requirement for three street lights when the town gets down there. Also he states we don't know what it is going to cost when we get to construction.

Mr. Gould states if the town denies refunding he will do the work now and the town will have to deal with matching up when the town gets there.

Atty Arledge states Peterson has the obligation to perform the work. He can do the work now, under the original site plan, and the town will have to return all the escrow plus the interest accrued. Councilman Mohr states he can't because we don't have the engineering to build by. Atty Arledge states he will build by the plans from 1997 when the escrow was taken.

Mr. Gould states he met with Mayor Kapp and Atty Arledge when he offered to give the town money to completely finish the enhancement and they accepted the offer.

Mr. Gould wants \$9,000 and end everything for work done and escrow for Section 8 and 9 frontage street enhancements.

Councilwoman Scarbrough moved to accept bond release for Section 1, 2 & 9 and refund \$9000 escrow required, second by Councilwoman Bailey.

Town Clerk asks Council to reconsider the bond release in this motion, which is a different subject from the escrow, and asks Council to refer to the letter from Burgess & Niple with comments for requested bond release.

Councilman Mohr asks if the \$53,882 plus interest [balance from escrows less refund] can be moved to a fund with just the town ownership. Councilwoman Scarbrough amends motion to include that the fund be moved to town ownership and amends to include only the street enhancement and strike reference to bond release in this motion, second by Councilwoman Bailey.

Yeas: Scarbrough, Bailey, Mohr. Nays: None Abstain: Stutz as employee of Peterson Companies.

Mayor Kapp states the check will be mailed.

Greenhill Crossing, Section 1, 2 & 9 bond release - letter of October 4, 2000 from Peterson Companies - Section 1 \$59,238.94 - Sec 1 Silt \$3,506.25 - Section 2 \$50,000 - Sec 2 Silt \$42,872 - Section 9 \$60,157 - Sec 9 Builder \$70,212 - Grading Silt \$18,504

Councilman Mohr asks if the amounts are correct. Yes. Councilman Mohr asked if \$18,504 is for the Sect. 9 silt pond? Mr. Gould says wet land is a conservation easement and he can't touch it.

Mr. Lowery says two items need attention (1) seed added in spring on Ryan model and lot 1, Sec. 2 needs to be re-seeded as there is nothing but gravel. (2) behind lots 1 & 2 of Section 1 inlet

storm sewer - need to take down silt fence.

Mayor Kapp asks if they are separate bonds. Yes. Mr. Lowery recommends to release the bonds as the above items are \$50 worth of work. Mr. Lowery knows they will do the work.

Mrs. Leonard asks about drainage pond Rohrbaugh is to tie into. Dewberry and Davis say it is unlikely you would cross Smith property (14801 Washington Street) and to be included. Councilwoman Stutz states there is an easement on the Smith property and Smith property is not included.

Councilman Mohr states Section 9 is supposed to have two additional street lights at four way intersection. Not required states Mr. Gould.

Burgess & Niple had issue with compaction reports not being up to date. Mr. Lowery states he check and it is up to date.

Councilman Mohr says there was to be a 35 foot buffer there [between his property and the Watts property] but there was to be a fence to be installed and it has never been installed. Mr. Gould states the builder prepares the lot, not Peterson. Councilman Mohr says the buffer area property area was given to Mr. Watts by the court. Councilman Mohr says he [Watts] agreed to a fence and would give the space to Peterson to put up a fence. Mr. Gould states there is no requirement for them to put up a fence.

Councilman Mohr says the #16 item [on Burgess & Niple comment letter] is not addressed. Atty Arledge says the fence is not a bondable issue. Councilman Mohr states there is a 35' buffer on the site plan - the court gave the land to Mr. Watts. Mr. Lowery says the buffer is still there, it belongs to Watts now. Ryan Homes asked Peterson Co. to help sell these homes with a fence between Madison Street and Greenhill Crossing homes and Ryan replaced Mr. Bear's fence as it was on Greenhill Crossing land. Atty Arledge says if the site plan says 35' buffer and was on approved plans it is an issue.

Councilwoman Scarbrough moved to release bonds for Section 1, 2 & 9 for Greenhill Crossing, reference letter dated October 4, 2000 from Peterson Companies, second by Councilwoman Bailey. Yeas: Scarbrough, Bailey. Nays: None. Abstain: Stutz - employee of Peterson Cos. And Mohr, homeowner of Greenhill. Motion carried 2/0 vote.

Haymarket Grocery delinquent rent

Alexa Lee, daughter of lessee, states they are delinquent for October, November and December rent [\$7400.] In October the entrance from Washington Street was closed due to the street construction. The impact on their sales was 50% reduction. They sent a letter in November and they requested a rent abatement and got no response. They made a payment of \$1000 toward December rent. The \$7400 arrearage letter from Atty Arledge was received January 2, 2001. They want relief to repay arrearage in two years as they were not able to "have full enjoyment" of property.

Councilman Mohr states when the sub-let came to Council he asked the Mayor if you were aware of the construction and the impact. The Mayor said they were aware of the whole project.

Atty Arledge says rent goes to the oldest overdue balance. Councilman Mohr asks about penalty.

Tabled.

Continuation of regular session

Scheduled for January 22 at 7:00 p.m.

Business License

Discovery Auto, 15017 Washington Street #2, independent vehicle dealer - Councilwoman Bailey moved to approve, second by Councilwoman Scarbrough. Yeas: Bailey, Scarbrough, Mohr, Stutz. Nays: None. Motion carried by 4/0 vote.

Sign Permit

Discovery Auto, 15017 Washington Street #2, independent vehicle dealer - Councilwoman Scarbrough moved to approve, second by Councilman Mohr. Yeas: Bailey, Scarbrough, Mohr, Stutz. Nays: None. Motion carried by 4/0 vote.

Construction Permit

Peters, 6782 Jefferson Street, deck - ARB tabled. Tabled.

Ryan Homes, Lot 11, 6770 Jefferson Street, Courtland B#3, vinyl siding - ARB approved. Councilwoman Scarbrough moved to approve pending PC approval, second by Councilman Mohr. Yeas: Bailey, Scarbrough, Mohr, Stutz. Nays: None. Motion carried by 4/0 vote.

Ryan Homes, Lot 13, 6758 Jefferson Street, Patterson A, vinyl siding ARB approved. Councilwoman Scarbrough moved to approve pending PC approval, second by Councilman Mohr. Yeas: Bailey, Scarbrough, Mohr, Stutz. Nays: None. Motion carried by 4/0 vote.

Ryan Homes, Lot 15, 6746 Jefferson Street, Victoria C, vinyl siding ARB approved. Councilwoman Scarbrough moved to approve pending PC approval, second by Councilman Mohr. Yeas: Bailey, Scarbrough, Mohr, Stutz. Nays: None. Motion carried by 4/0 vote.

Deck America, Mohr, 6804 St. Paul Drive, deck - Councilwoman Scarbrough moved to approve pending PC approval, second by Councilwoman Bailey. Yeas: Bailey, Scarbrough, Stutz. Nays: None. Abstain: Mohr - property owner. Motion carried by 3/0/1 vote.

Chris Foley - former architectural consultant to the ARB

Mrs. Leonard asked Council to send a letter thanking Chris Foley for his work on the street scape. Mayor Kapp to write a letter commending him. Councilwoman Scarbrough moved to approve, second by Councilman Mohr. Yeas: Bailey, Scarbrough, Mohr, Stutz. Nays: None. Motion carried by 4/0 vote.

Meeting recessed at 11:30 p.m.

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

**REGULAR SESSION
January 22, 2001 continuation**

**PUBLIC HEARING
TEA21 \$280,417 for Phase II and Phase I-A**

**MAYOR
John R. Kapp**

**ATTORNEY
John B. Arledge**

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

Mayor Kapp reconvened the regular session at 7:05 p.m.

Mayor Kapp states Phase I-A Madison Street to Haymarket Baptist Church projected construction will start in summer 2002.

TEA21 Washington Street Enhancement Project - \$280,417 for Phase II and Phase I-A
Christine Barringer, Country Accents, would like to see the next phase done better to consider the needs of the business community.

Mayor Kapp asked all those in favor to speak.

First Call - No one spoke.

Second Call - No one spoke.

Third Call - Ms. Contrucci owns two properties is in favor. Her building was shut down for four months. If she had tenants in there she would be in default of the lease. Mayor Kapp say the next phase will be easier because we don't have the storm sewer concerns. Ms. Contrucci states if she had problems in the next phase she will not be in favor.

Mayor Kapp asked all those against to speak.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

Public hearing closed at 7:11 p.m.

Continuation of Regular session

Citizen's Time

Christine Barringer asked to speak. Mayor Kapp states he received her [e-mail]. Council has a copy of her e-mail. [E-mail is in regard to the inconvenience and loss of business due to the ISTE A construction project.]

Mayor Kapp states this project has been in the works for years. Ms. Barringer would like to see a plan put in place to help businesses get their customers back.

Ms. Barringer states Doug Legg, VDOT, told him some of the problem and delays were caused by not having an advisor. In regard to the electrical work should have been done prior to the start. The work re-done was due to the plans provided by the town.

Mayor Kapp states Mr. Legg said the one way traffic will be started again due to the installation of the brick crosswalks.

Ms. Barringer asks what is going to be done in the future to provide access to businesses, what will be done to traffic, what will the town do to help businesses in order to get their customers back.

Councilman Mohr says she doesn't have right to have open access at all times. Councilman Mohr says these were VDOT issues and we had no say. Councilman Mohr sympathizes with her and he hopes that doing the Spring Festival with more advertising people will see how much better the town looks.

Ms. Barringer asks if the town has a marketing plan [for the town center property]? Councilman Mohr says we did as part of the Town Center appraisal report. We have many things going on right now and many things on our plate. He thinks a group of businesses and citizens could come up with a plan. Mildred Minor [Sometimes New shop] said she wouldn't mind doing that if the Council would listen to them.

Atty Arledge states it was a VDOT contract - they decided how the project is done.

Councilwoman Stutz says she spoke to VDOT today. She received a copy of the town's contract signed. VDOT will come to a public hearing on Feb. 13. Councilwoman Stutz is frustrated with the blame going from the town to VDOT.

Councilman Mohr asks Mr. Lowery if we are still having problems with VDOT inspector leaving early and causing problems. Mr. Lowery states he has no authority with VDOT. Councilman Mohr asks Atty Arledge if we can hold VDOT responsible for overrun and business reimbursement. Atty Arledge says he would like to look at the construction agreement for VDOT and contractor.

Councilwoman Stutz asks why does the Hairmarket, Lynda Farr wall looks like that? It is like that in the plan.

Ms. Barringer asks for protection for the next phase and a marketing plan.

Ms. Minor says her parking lot is now mud, it used to be grass and gravel. She says her sales are only one third of her past year.

Councilman Mohr says this [street project] has been discussed for a long time and this is the first he's seen a business owner come in here. Ms. Minor states we need to get down to brass knuckles. We don't know what to expect from Council. Council does not inform everyone.

Mayor Kapp states no one has any idea what he does out there on the street. Ms. Contrucci confirmed his presence out there taking care of problems.

Ms. Jean Lane [Lane Motor Sales & Jean's Used Things] wants to know about all the [standing] water on her property. It is deep.

Councilman Utz asked how that was so botched. The road looks too high. Mayor Kapp states he brought the height up to the engineer who said it was right but they lowered it in the end.

Ms. Barringer says VDOT told her the town could have hired an engineer to oversee the project. She suggests the Council tell the business community. Council is aware of the problems but has not given the businesses the needed information.

Mrs. Turner says in behalf of the Mayor and Council this project started many years ago and it has been difficult to get done. She sympathizes with the business people who have been affected for at least six months. This town is having improvements it never had before. She asks folks to bear with it and it will be a nice place for business. She would like to see the town do something for businesses. Mrs. Turner suggests the town apply for a disaster grant through the State.

Councilman Mohr asks if we can get some grants in for these folks. Mrs. Leonard states she understood to get the grant you had to have a VDOT approved engineer. One half of the first phase grant went to the engineering. If there is an engineer problem it is not because we didn't have an engineer. She thinks the end result will be good.

Councilman Mohr says engineers are bonded for these situations. Atty Arledge says there are minimal standards for violations, if standards are not met you can file a judgement. Atty Arledge has not gone against an engineer but he understands it isn't easy.

Ms. Contrucci says she agrees it is difficult to get action against an engineer.

B-3 District

Ms. Contrucci states the Town Council had a public hearing and Planning Commission had their public hearing after the Town Council [due to gas line break and street closed] which she doesn't think that is legal. Atty Arledge agrees it is not legal.

Ms. Contrucci asks if this is a zoning text amendment. She states in regard to the parking reduction there is no study and people will park on other peoples property. The town should provide municipal parking.

She also has a problem with the structures abutting the right of way - there is no pedestrian access, utilities or maintenance of building.

Limits of uses, i.e., special use for shoe store but not a beverage store. She would like answers. Property owners did not understand the notice sent out.

Haymarket Grocery, delinquent rent

Ms. Lee states they missed rent \$2800 in October, \$2800 in November and a balance of \$1800 in December. January rent of \$2900 was paid. February will be paid. Mr. Jinn did not pay October rent due to massive street construction and reduced sales of more than 50%. Mr. Jinn would like

landlord relief. They did not hear back until January 3rd letter when they were told to pay the \$7400 in arrears. She know the town is due their rent but want to pay in installments over the next two years. This is the fourth month of construction disturbance. Mr. Jinn has been in grocery store business for 27 years and was excited to be here. He had no idea Food Lion was coming in until the day of settlement and the streets were to be torn up. The majority of sales are at lunch time - people avoid trying to get into the store. They would like to view this as a partnership of the town and them and community. They would like a shared gesture from the town.

Planning Commission

Liaison absent. No report.

Architectural Review Board

Councilwoman Scarbrough has nothing to report.

Board of Zoning Appeals

Mayor Kapp states John Duckett's term expires January 31, 2001. Candidates are: John Duckett, Dottie Leonard and Sarah Turner. Councilwoman Scarbrough moved to nominate John Duckett, Dottie Leonard and Sarah Turner, second by Councilman Mohr. Yeas: Scarbrough, Mohr, Shepard, Stutz, Utz. Nays: None. Motion carried by 5/0 vote.

Historical Commission

Ms. Crafton-Masterson is not here. Councilwoman Stutz states the Historical Commission would like their letter of October, 2000 addressed [procedure for Historical Commission review]. The Historical Foundation meeting will be February 21 at 7:00 at the new town hall. Election of officers will be held. There are five director positions.

The Valentine's concert will be held February 17 at St. Paul's Church at 8:00 p.m. Tickets are \$5 and will benefit the museum.

Mayor Kapp states the Superbowl raffle will benefit the museum. Tickets are available.

Building Official

Shrink/Swell Policy - Mr. Lowery states this needs to be re-written due to tow construction projects in town. He will send on to Atty Arledge by January 26.

Cross Connection Agreement - Mr. Lowery states he has to re-write and send to Prince William County.

Letters of Violation

Signature Kitchens - Mr. Lowery states four letters are included in Council packet. They are Signature Kitchens for code violations, Saddlery Liquidators to vacate premises or get a construction permit. The zoning administrator needs to address the storage and truck parking on Signature Kitchens property. Mayor Kapp states he spoke with Mr. Lambradozzi about this and he says he is not getting any money from these people that he just allows them to be there. The Council states that is not a permitted use and there is no business license for these people. Mr. Lowery states the truck drivers are telling him they are leasing parking space from Lambradozzi. Mr. Lowery states he has the authority to cite the truck drivers.

Mr. Lowery states The Laminate Company is listed as being in Lambradozzi's facility. He doesn't know what fumes are being created there. Mayor Kapp will let Mr. Lowery about the meeting date.

Frogale, 6610 James Madison Highway, Railroad spur - Mr. Lowery states this requires a fire protection. Mr. Lowery sent letter to January 22 to John Foote explaining the errors the engineer made in fire protection and the engineers failure to read the requirements for lumber yard. They are 6' fence surrounding the facility, public fire hydrant on site, all grass, trees, trash, shrubs must be mowed or cleared every thirty days. Lumber stacks are regulated by height/width with driveway through all stacks. The building has to be have a sprinkler system. A site plan is required.

Mr. Lowery states water is going to be the biggest issue. They can tie in when the shopping center ties into water.

Notice of violation - storm drain work around Lambradozzi. They cleaned up the property and took the fence down it is terrible dirty and trashy. Mr. Lowery ordered a site plan with drain pipe system. Mr. Lowery states the code requires storm drain around lumber yard. Mr. Lowery says this site is no longer used for just Mr. Frogale's purposes. He is having tractor trailer loads of material brought in for resale. He cut a second entrance through on James Madison Hwy. He has to work this out with the State.

Councilman Mohr asks if the lumber yard meets code. Yes, Mr. Lowery states it is other site issues.

Mayor Kapp states he is meeting with Mr. Foote and Mr. Frogale on Monday, February 5 at 1)00 p.m. at the town hall.

Noell Crane, 6610 James Madison Highway - Mr. Lowery can not find out if they are gone or not. The Town Clerk states they did not pay gross receipts before they left.

Haymarket Baptist Church - Mr. Lowery is approving their letter from engineer to put in a 2" water line. They will be advised no more improvements without a larger line.

84 Lumber - Mr. Lowery states he will meet with them as they requested three or four buildings to store lumber.

Councilwoman Stutz asks Mr. Lowery how much time he has given violators to correct. Mr. Lowery says February 16 or face a formal violation. Copy to Atty Arledge with 15 days to comply or go to court.

Saddlery Liquidators - bathrooms and size of storage area are in violation. Mayor Kapp spoke with Lambradozzi and wants to set up a meeting with Mr. Lowery. Mayor

Allied Systems, 6610 James Madison Highway, Frogale's off site facility - not approved to be there. Mayor Kapp states he is meeting with Mr. Frogale and Mr. Foote Monday, February 5 at 1:00 p.m.

Councilwoman Scarbrough says we should send them all letters with fifteen days to comply.

Four letters have gone out and the rest will be sent tomorrow [January 23] and Wednesday [January 24] copied to their architect, states Mr. Lowery.

Q-Stop seating - notice to remove or apply for a permit by February 15.

Councilman Utz asks Mr. Lowery to get with Chief Roop for discrepancies.

Old Business

Haymarket Grocery - 15010 Washington St. delinquent rent - Alexa Lee requests to pay the back rent [\$7400] over a two year period. (1) They have the right of quiet enjoyment of the property in their lease, (2) They were not aware the street would be closed for that length of time. They would not have entered into the lease if they had known, (3) The store has its own financial obligations to meet.

Councilman Mohr asked Atty Arledge to look into. Atty Arledge says to get a signed agreement with interest rate terms, etc. Council discussed 24 months [\$308 plus] or 18 months [\$410 plus]. Mayor Kapp states he thinks we should help businesses if we can. Atty Arledge states the legal interest rate is 8% compounded annually, about \$350 per month [24 mo. Term] Alexa will prepare promissory note with provision for attorney fees subject to Atty Arledge approval.

Councilman Mohr moved to approve 24 month term to pay arrearage of \$7400 with 8% compound interest, form approved by town attorney prepared by Ms. Lee, second by Vice Mayor Shepard.

Councilwoman Stutz asks about Council setting a precedent for the rest of the business owners. Atty Arledge states it is a moral precedent, a business decision for a large long term business. We are essentially getting all that is in the lease.

Councilman Mohr amends his motion to 18 month term. The Treasurer asked Council to reconsider this action as the town is having difficulty fulfilling its own financial contract with the note holder. Councilman Mohr withdrew his motion, second by Vice Mayor Shepard. Tabled to February 5.

Town Center B-3 zoning district - Mrs. Contrucci asked Council if the Planning Commission public hearing held January 9th was legal as that was the day after the Council hearing on January 8. [The original PC hearing date was January 2 but there was a gas main break and the road was closed to town hall]. Atty Arledge says the Planning Commission public hearing had to precede the Town Council public hearing.

The Planning Commission and Town Council must have another public hearing. Atty Arledge will put the ordinance in a better form. Councilman Mohr would like to look at it also. Council sent matter back to the Planning Commission. Property owners are to receive notice of a meeting on Tuesday, February 13 at 7:00 p.m. Notice is to be sent to the newspaper.

Mrs. Contrucci says the reason for the B-3 district was to look at the town center property. Atty Arledge will look at the down zoning issue

Public meeting to discuss ISTEPA Phase II - Councilwoman Stutz asked Council to hold a public meeting for everyone to bring in their comments and questions about the project. She states

because she is here weekends [working in her shop] she gets questions from the public about what is going on and she doesn't know. Councilman Mohr would like to have a meeting of Council prior to that meeting to look at issues and send a letter to the public asking them to submit questions or problems they encountered.

Council meeting to discuss financial issues on ISTEPA to be held Monday, February 5 at 6:30 p.m.

Letter to Council from Christine Barringer regarding the street - Councilwoman Stutz states the town could use the Spring Festival booklet as a tool to offer free advertising to the people directly affected by the street mess. We could offer a full page ad for each business. Council wants this information included in the letter to businesses.

Mrs. Barringer would like an ad in the Bull Run Observer, Washington Post, or Potomac News. Mayor Kapp states Patrick Wilson said he will put something in the Potomac News. Mayor Kapp states [once the street is completed] he will have an official ribbon cutting with media coverage.

Councilwoman Leonard asked if 100% of the inconvenience will be realized in all other phases. Mayor Kapp states that will be discussed at the VDOT meeting.

Mrs. Barringer asks Council to come up with a list of problems. Mayor Kapp asked the businesses to get up a list by February 1.

Councilman Utz states we all went into this project with the best of intentions and we were naive. He thanks the businesses for their patience and thanks Mayor Kapp for his tireless work.

Mayor Kapp states he is presenting the town projects to the Chamber of Commerce Tuesday. Mayor Kapp states most presenters have Power Point and fancy programs, which the town does not have. Ms. Lee states she works for a company that provides companies with business blue prints and marketing presentations and business presentations. She would do that for the town.

Councilman Mohr says about the tax relief mentioned in Mrs. Barringer's letter, the Council can not do anything about that now.

Mrs. Barringer suggests in order to promote and get the most out of the street scape the town needs a marketing plan. Mayor Kapp states we joined the Chamber of Commerce and I/66 Partnership. Mrs. Barringer says she is in the Chamber of Commerce and she does not see them doing marketing plans.

Councilman Mohr states Council is trying to regroup the Haymarket/Gainesville Business and Professional Association.

Mrs. Barringer would help with the town/budget, money for marketing plan.

Mayor Kapp states there is a museum fund raiser in progress.

Web Site - Mayor Kapp states the link was down for one month. We should be on line within a month. Mayor Kapp would like to link to all the businesses in town. Councilman Mohr states he

put that in already.

ISTEA - Councilwoman Stutz states we need to file additional paperwork with PWC. Mayor Kapp states he filed with Ed Wilbourn. Councilwoman Stutz states Mary Lauren at PWC Public Works Dept. States she needs a letter from the Council of Governments endorsing the street project. Councilwoman Stutz will tell her Mr. Wilbourn's office has the letter.

Municipal Code - Mayor Kapp asked the Clerk the status. She states she answered some questions asked by Municipal Code and they are preparing a new draft. There is a charge for the new draft, she advised Council.

ISTEA - Atty Arledge states if loan amount exceeds your annual appropriations you need a bond. We could have a short term loan on taxes due in this budget year.

Councilman Utz asks if this cash shortage is long term. Mayor Kapp says the money we want [loan] is for town center. Mayor Kapp says he has just leased three offices for more than \$1000 a month. He has been working over there daily, 4 or 5 hours. Mayor Kapp says next thing to do is the ceiling downstairs, all beams are in. We have to fire proof walls, glued and screwed and then install a drop ceiling.

Councilman Utz is concerned where we are with money. Mayor Kapp says (1) some is street scape which is more than we thought, (2) new town center renovate for leasing space upstairs, (3) downstairs - Mayor Kapp, Alan Gossom and Jerry Leaberry donated time to take out beams and saved \$5000.

Mayor Kapp says Virginia Resource Authority has a program we can borrow money for all the storm water. Application due by March 31. Mayor Kapp is tracking down attorney. Minimum loan is \$500,000 at 5 1/2%. It can be for what we spent and projected for future phases.

Councilwoman Stutz states the storm drain is not operating properly. Water is following the old path instead of the drain.

Councilman Mohr asks about cost overruns. They have not been billed.

Mayor Kapp has complaint on Gull saying they couldn't work. They could have worked elsewhere, i.e., PW's corner, center corner. Councilman Mohr says we should collect from Gull for compensation for traffic control.

Mr. Lowery asks about the grant for low income housing project. The Clerk reports they denied us because we have no experience in renovating housing. Mrs. Contrucci states she knows how.

Madison Street Improvements - Mayor Kapp states this is done.

Kruse Corner - done

Ordinances needed

Mayor Kapp states we need ordinances:

- (1) no hanging, tape, signs, etc on lamp posts. Atty Arledge to check.
- (2) Snow removal - property owners responsibility.

(3) public water - any business more than 25 persons must hook up - 30 square feet per person - new or existing use - all restaurants must have public water. State ordinance requirement needs to be adopted. Atty Arledge is working on that.

Zigler & Payne comments letter - January 5, 2001

Haymarket Self Storage, 6600 James Madison Highway - town approved building on storm drain and permits given. Mr. Lowery to write to Zigler and Payne and inform them this is a private sewer.

Bull Run Veterinary Hospital - Storm water management required.

McDonald's site plan & subdivision - Clerk to send comments to McDonald's.

Mr. Lowery states these are standard comments. Councilwoman Stutz states there is no time frame to comply.

Witcher - Mayor Kapp meeting Thursday, Witcher sold the lot with the house. \$4000 for E&S inspections is being held by the settlement attorney. It is not a recorded lien, they have notice money is due to town. Councilwoman Stutz asks why we didn't file a lien. Atty Arledge says because he did not have the signed agreement from Witcher saying he would pay for E&S inspections. Mr. Lowery states he is sending letter for permit fees. Atty Arledge to exercise the bond for road improvement.

Shoppes at Haymarket - Mr. Lowery says Leaberry says they will pay the Burgess & Niple [E&S inspection] bill directly. Mr. Lowery states Leaberry agreed he will pay E&S fees monthly to the town. Mr. Lowery to get a written agreement from Leaberry.

Councilwoman Stutz wants a date for everything to be done, money paid, agreement signed and here in the town hall.

Burgess & Niple request for E&S reports from Mr. Lowery - Mr. Lowery states he has worked out this with George Cropp of B&N.

Police Dept.

Councilman Utz wants to give the Police Dept their own checking account and they be responsible for monies, expenses. Councilman Utz spoke with Chief Roop who states he needs \$500 to start. Chief Roop wants all money from PWC Court for fines to be directed to the Police Dept. Atty Arledge states court money can't be given direct to PD, has to go to the town general fund. He also says it requires a vote to transfer money that comes in.

Councilwoman Stutz states the Police Dept can only spend the money allocated in their budget. Councilwoman Stutz moved to transfer \$1000 to the Police Dept. To open a checking account so they can begin spend as allocated in the FY 2001 budget, second by Vice Mayor Shepard. Yeas: Scarbrough, Mohr, Shepard, Stutz, Utz. Nays: None. Motion carried by 5/0 vote.

Councilman Mohr asks for information on cash in hand, what is coming in, what VDOT money is outstanding. The Treasurer informed Councilman Mohr the cash on hand is on the treasurers report and we have just received the \$206,000 from VDOT [electronic deposit] which will be in the bank on Jan. 23

Town Center

Leases - Councilwoman Scarbrough got comments from Atty Arledge but no Council members. Atty Arledge comments: lease term with renewal periods with increases of rent, is it automatic unless tenant says otherwise or five year term locked for first year with notice after one year and penalty for rest of lease if lease not renewed, i.e., 10%.

Councilman Mohr states his experience is easier for automatic renewal and 30 day notice of intentions.

Councilman Utz left at 10:15

Councilwoman Stutz asks Atty Arledge to guide us with lease period and renewal option and escalations. Atty Arledge says you probably want a percentage for escalation. Question about pro rata share of utilities and metered spaces will pay their own.

Atty Arledge directed to prepare a lease for one year term, individual personally liable, automatic renewal with escalation of 5%, sixty day notice to terminate, penalty for not renewing for additional years- 10% of first annual, 5% of second year, 3% of third year, renewal option for three renewals. Clerk asks Council to make this across the board, same for everyone, as the Clerk's office is going to be doing some of this.

Councilman Mohr asks about things installed permanently, what do we need in lease. Councilwoman Stutz says lease should say restore to like condition. Councilwoman Stutz says you can't make interior changes without landlord approval, that would be an addendum to the lease. Atty Arledge states you can make it an option for the town to decide, permission required.

Councilman Mohr asks if there is a problem with "quiet enjoyment" clause. Councilwoman Scarbrough states there is a provision for interruption of use, we have to forgive rent if not of use.

Break Room - Mayor Kapp states insurance company and tenant in #5 [CPA] want to use an area for a break room. Mayor Kapp will ask tenant in #4 if they are interested. Councilwoman states break room is additional rent by what we could get if we leased it. Mayor Kapp says they want to pay pro rata by percentage of square feet leased. Mrs. Leonard suggests it be open to all tenants. Mr. Lowery says you can't do with no fire corridor exit. Councilwoman Stutz says the value is \$125 per month. Mr. Lowery states it has to have full walls and a fire door, with automatic closure. Mr. Lowery asks if the building is non-smoking. Mayor Kapp says he will put up no smoking signs in the break room.

Southern States Insurance Co. - Council wants \$1000 per month and percentage of utilities, 5% increase per year, break room \$150 cost share plus cleaning and utilities and a security deposit of two months rent. Tenants will pay for their own janitorial service.

Bowman Lawn & Landscape, 6624 Jefferson St., wants back where Police Dept was supposed to be, he would give us rent and trade off services. Councilwoman Stutz asks how that complies with the B-3 zoning district and the current ordinance.

Councilman Mohr says you aren't going to get shops in there with this use. We have to be careful.

Mr. Lowery states Alan Gossom is storing material back there, he has to have driveway access. Councilman Mohr asks how this will work with the upgrading of the gray house yard with picket fence, etc.

Mrs. Leonard states the landscaping company is not a permitted use in this district. Councilwoman Stutz confirms this is not a permitted use in B-1 district.

Mayor Kapp states Bowman wants to park a truck and trailer inside the garage.

Town Center revised floor plan

Mayor Kapp states he, Jerry Leaberry and Alan Gossom and his men have donated hours and hours [to the town center.] The next job is to dry wall the ceiling, about \$1000. [Council was not willing to approve the expenditure.] Mayor Kapp states he will either get help or he quits. All work will stop on the town hall until someone helps.

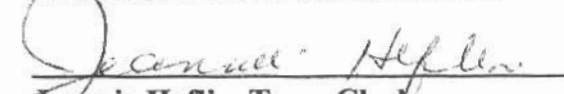
Town Boundary Line Adjustment

Reuter Laboratories, 14540 John Marshall Highway, boundary line adjustment - Atty Arledge needs to know what we expect him to do. Agreement would be include street scape, space for a youth center and public park on two acres.


Adjournment

Council adjourned at 11:30 p.m.

RESPECTFULLY SUBMITTED:


Jeannie Heflin, Town Clerk

APPROVED:


John R. Kapp, Mayor

tc101