

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

**MAYOR**

**John R. Kapp**

**ATTORNEY**

**John B. Arledge**

**COUNCIL**

**James Shepard, Vice Mayor**

**Tom Utz, PD Liaison (absent)**

**Nancy Bailey, PC Liaison**

**Pam Stutz, Historical Comm. Liaison**

**Doug Mohr**

**Mary Lou Scarbrough, ARB Liaison**

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Mayor Kapp opened the regular session at 7:30 p.m.

**Minutes of November meetings**

Vice Mayor Shepard moved to dispense with the reading and approve with changes noted, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Bailey, Stutz, Mohr. Nays: None. Motion carried by 5/0 vote.

**Police Report**

Chief Roop reported (see accompanying). Councilman Mohr states last meeting it was brought up a lot of work needs to be done to the vehicles. Chief Roop says he's having work done.

**Treasurers Report**

First Virginia Bank general fund checking account beginning balance November 1 was \$30,950.37, expense for November \$345,218.81, income for November \$88,466.95, transfers \$255,493.52. The October treasurer's report was revised with (\$155) adjustments. Ending balance November 30 \$29,537.03.

**Post Office Department presentation**

Joe O'Connor informed Council the Post Office Dept. is looking to relocate the Post Office with a 20-year growth requirement in mind. They are looking for a three-acre site, leased or new construction, 17,500 square feet interior with 98 parking spaces. List of offers posted in the Post Office and advertising will begin after the holidays. If all goes extremely well, it takes conservatively 18 to 24 months. The current facility is 3,000 square feet and a 18,000 square foot property, .6 acres. The mailing area would stay in the same boundary as is in place now.

**Web Site**

Karen presented her web site.

**Treasurers Report**

Councilwoman Stutz asked about the balance in the general fund. Tabled.

**Unpaid Bills**

Burgess & Niple \$1,950 Councilman Mohr moves to prepare and move forward with papers for the next ISTE A grant, second by Vice Mayor Shepard. Councilwoman Stutz asks where the money is coming from. \$318,000 spent on ISTE A so far. (Council discussed hiring a new engineering company.) Occoquan had an engineer withdraw from the ISTE A project and it took four months to get VDOT to approve a new engineer.

The Mayor states he met with F&M Bank Vice President for a line of credit for \$500,000. He expects to receive the loan Tuesday or Wednesday. Total grant approval \$775,000- \$425,000 for this phase[II]. Mayor Kapp says we can apply for additional money for this phase.

Councilwoman Stutz asks why we can't tell Burgess & Niple to re-submit last years packet for additional funding on the first phase. Councilman Mohr has a problem if we use this town hall as collateral for the loan. Mr. Leaberry says you can't put another loan on the new building, the town hall is the only asset we have to use for collateral.

Councilwoman Stutz says the town has to put a conservation easement on the town hall building for museum grant, it can't be used for collateral. Councilman Mohr says we should go to Richmond (VDOT) and tell them we need more money for the street project. Mr. Leaberry says if we don't do the town center improvements we won't keep tenants.

Councilman Mohr suggests the town pursue a municipal bond. Mayor Kapp says they don't do under one million dollar bonds, it would cost around \$200,000 to pay for preparation for the bond.

Councilwoman Stutz calls the question. Councilman Mohr withdraws the motion, Vice Mayor Shepard withdraws the second.

Councilman Mohr moves we begin the application process at \$1950 with reasonable fees for meeting, site visit and direct cost for the TEA 21 Washington Street Project for Phase II, Fayette to Madison Streets and take money from the furniture/equipment budget under property expense [\$5000], second by Vice Mayor Shepard. Yeas: Mohr, Shepard, Scarbrough. Nays: Stutz, Bailey. Motion carried by 3/2 vote.

#### **Business License**

Overcash Electric, Shoppes at Haymarket contractor - Councilwoman Bailey moved to approve, second by Councilman Mohr. Yeas: Shepard, Scarbrough, Bailey, Stutz, Mohr. Nays: None. Motion carried by 5/0 vote.

RGR, LLC, 6612 James Madison Highway, reload center - Mayor Kapp states he got a call from Zirk White, CTB/RR committee, they got application from Frogale for spur extension and states he was happy with that. Mr. Lowery states there are building and site concerns, town needs a full site plan, showing water to facility and sprinklers for interior. Mayor Kapp states they want to off load lumber to other concerns rather than just themselves.

Councilman Mohr suggests sending a letter stating proposal does not meet town code, no business license will be issued until they meet code, second by Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Bailey, Stutz, Mohr. Nays: None. Motion carried by 5/0 vote.

Haymarket Baptist Church Preschool, 14800 Washington Street - Mr. Lowery will inspect with Health Dept. On Thursday. Code requirements are over five children over two and one half years old they have to comply with institution code. State has them approved for a mothers day out. Tabled to January meeting.

Robinson Enterprises, 15165 Lumber Lane - Mayor Kapp states Mr. Durham has withdrawn his subdivision request, he wants to divide off one lot. Mayor Kapp states he is not required to meet

subdivision ordinances. Councilwoman Bailey asks if he is going to leave the easement road the same. Mayor Kapp answers yes.

Mr. Lowery states the building and fire code say you have to be able to get to property with a fire vehicle. Mr. Lowery says he must upgrade a road. Mr. Lowery states the town cannot move the property line without building official approval.

Councilman Mohr has a problem approving a business license and special use permit as he is going to have to have covered storage. Councilwoman Bailey says under special use you can store vehicles. Councilman Mohr asks why did the Council tell Jake, at Haymarket Self Storage, he couldn't park vehicles on his property. Councilwoman Bailey says when it came to the PC it is an allowed use "contractors parking in the I-1 district" we approved this with the amendments recently adopted. She also states the area must be paved. Mayor Kapp defines this as equipment & vehicles used in a daily business. At Haymarket Self Storage they would be parking vehicles for a fee.

Atty. Arledge states there is a difference in vehicles you use in a business as an ancillary use. If your primary business is storing vehicles, it is a different use. Councilman Mohr states our code does not break it down that far. Atty. Arledge states the code speaks to the business use. Mayor Kapp says it is a parking vs. storage. Mr. Lowery says the applicant will not store under roof - only repair under roof. Councilwoman Bailey says he eventually will build an office on the property.

Councilwoman Scarbrough moved to approve Robinson's business license for a paving contractor at 15165 Lumber Lane, second by Councilwoman Bailey. Yeas: Shepard, Scarbrough, Bailey, Stutz, Mohr. Nays: None. Motion carried by 5/0 vote.

#### **Special Use Permit**

Robinson Enterprises, 15165 Lumber Lane, paving contractor - Councilwoman Bailey moved to approve with stipulations that permit must be renewed annually by March 1 and the access road must be paved to the new parcel, a storm water management plan required, parking lot must be paved and fence for buffer ordinance must be met, second by Councilwoman Scarbrough. Mr. Lowery says we can only ask him to reforest it and a vegetative maintenance agreement, a site plan is required.

Rev. Jones, St. Paul's Episcopal Church, says he has a problem with the buffer. He wants fence, trees and bushes. He has chemical odors now from Century Stairs. Mrs. Crafton-Masterson is concerned about the creek. Councilman Mohr wants a public hearing.

Councilwoman Bailey states there is a conflict in the ordinance regarding buffers. R-1 to I-1 buffer Sec. 12-165 requires 25 feet, Sec. 12-447 R-1 to I-1 requires 35 feet of opaque screen. Atty. Arledge states generally the latest ordinance adopted is assumed correct [which would be 12-447].

Councilwoman Stutz asks is this all we require, this form. Section 12-9 special uses must have a public hearing and need a site plan according to the ordinance.

Motion withdrawn. Schedule for public hearing for Planning Commission and Town Council for January - send a letter to adjacent property owners.

Mr. Lowery says this road from Costello Way is named Lumber Lane to Precision Engineering. Costello and Precision Engineering have to change their addresses and all building must be addressed to the street facing and must be dedicated streets. The number will stay the same, only the name will change. The parcel Mr. Robinson has a contract on is 15165 Lumber Lane. A letter is to be sent to Mr. Robinson inviting him to come to the PC to get requirements.

Extreme Auto Sales, 6707 Jefferson St. #6 - Councilwoman Scarbrough moved to approve, second by Councilwoman Bailey. Yeas: Shepard, Scarbrough, Bailey, Stutz, Mohr. Nays: None. Motion carried by 5/0 vote.

**Sign Permit**

Extreme Auto Sales, 6707 Jefferson St. #6 - Councilwoman Scarbrough moved to approve, second by Councilwoman Bailey. Yeas: Shepard, Scarbrough, Bailey, Stutz, Mohr. Nays: None. Motion carried by 5/0 vote.

**Construction Permit**

Ryan Homes, 18<sup>th</sup> Century Haymarket, Lot 6, 6785 Fayette Street, Barrington A with 2 car detached garage - Councilwoman Stutz moved to approve brick on house and garage, carriage lights, colonial lintels, heavier dentil molding, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Bailey, Stutz, Mohr. Nays: None. Motion carried by 5/0 vote.

Ryan Homes, 18<sup>th</sup> Century Haymarket, Lot 10, 6776 Jefferson Street, Sheldon C with 2 car detached garage Councilwoman Scarbrough moved to approve brick on house and garage, carriage lights, colonial lintels, heavier dentil molding, second by Councilwoman Stutz. Yeas: Shepard, Scarbrough, Bailey, Stutz, Mohr. Nays: None. Motion carried by 5/0 vote.

**Certificate of Appropriateness**

Shoppes at Haymarket, Leaberry Lane, lights for shopping center - ARB asked for a compromise of 39 foot lights proposed. The ARB wants the height closer to 16'. Mr. Leaberry states they need the 39 foot lights for safety, the Design Manual states no taller than 16'. Mr. Leaberry needs to install the lights within two weeks.

Councilwoman Stutz asks Mr. Lowery what the state code requirement is. Mr. Leaberry states he does not know. Councilwoman Stutz asked who reviewed the site plan. Rickmond Engineering was the answer. Mr. Leaberry wants this approved with 16' lights.

Mr. Leaberry states he didn't know he had a problem until the contractor came to pull a permit. Mr. Lowery states the town did not put any lighting parameters and get a proffer for our acorn lights. He [Leaberry] should be allowed to put in the lights he wants. Mr. Lowery states the required acorn lights are an undue burden. Our engineer should not have recommended approval of the plan without a lighting plan.

Councilman Mohr does not like the boxy sterile fixture. He would like an older looking style. Leaberry says this is a halogen light. Councilman Mohr asks if he will put acorn lights on the front of the lot behind the street scape. Leaberry wants approval of 24' lights and he'll have it designed, subject to approval of [Councilwoman Scarbrough, Councilwoman Bailey and Mayor Kapp] two of the three council members. Mr. Leaberry states it will take a couple of days.

Councilwoman Scarbrough amends motion to 16' to 28' to find different lighting fixtures with a more colonial look that will meet exterior light requirements subject to review of Mayor Kapp, Councilwoman Scarbrough and Councilwoman Bailey, second by Councilwoman Bailey. Yeas: Shepard, Scarbrough, Bailey, Stutz, Mohr. Nays: None. Motion carried by 5/0 vote.

**Subdivision Plan**

McDonald's, Leaberry Lane - Atty. Arledge states Chapter 11 of town code definition of subdivide pg. 637 - because road dedication requires a subdivision. Atty. Arledge states, as presented applicant has met requirements. Councilwoman Scarbrough moved to approve plat file #00136, second by Councilwoman Bailey. Yeas: Shepard, Scarbrough, Bailey, Stutz, Mohr. Nays: None. Motion carried by 5/0 vote.

**Historical Commission**

Mrs. Crafton-Masterson asked Mr. Leaberry about a carnival on his shopping center. He has agreed.

Christmas party was successful with more than 104 people attending. She would like to give leftover gifts to the Coalition Against Hunger. Approved. Historical Commission letter to Council, letter on guidelines, tabled.

**Fence Permit**

Peters, 6782 Jefferson Street - Councilwoman Bailey moved to approve, 4 foot high, exhibit A with Gothic Cap or Cape Cod with Gothic Cap, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Bailey, Stutz, Mohr. Nays: None. Motion carried by 5/0 vote.

**Citizen's Time** - Nothing.

**Planning Commission**

Councilwoman Bailey states they discussed B-3 Town Center Zoning District. Atty. Arledge states Costello [14937 Washington Street] would not be grand fathered to build on the back of the parking lot as he did not submit a site plan showing the building when the parking lot was approved. Atty. Arledge says he is not vested for the use to put a building on the back of the lot.

Atty. Arledge states you have to notify all owners and adjacent owners for public hearing.

**Public Hearing**

Scheduled for January 2 for Planning Commission and January 8 for Town Council on the following issues:

Sec. 12-116 Height Regulations - not to exceed three stories

Sec. 12-1 Definition of Antique

Sec. 12-1 Definition of Collectible

Sign Ordinance - temporary signs - "signs constructed or erected without a permit to with a permit."

Sign Ordinance - banners - One banner per calendar year for not more than fourteen days

Sign Ordinance - B-3 Town Center District - Town may display banners for up to thirty days.

B-1 and B-2 districts - permit buildings up to 12,000 square feet per tenant space

**Unpaid Bills**

Gull Corporation - \$113,945.79 due November 19

**Escrow return request**

Peterson Companies requests the return of escrow - Section 9 was escrowed in 1997 and in 2000 the Mayor, Atty. Arledge and Peterson Companies met and asked for re-escrowed additional funds. Peterson asks for return of \$36,407 [the 1997 escrow amount] as this was paid twice.

**Mobile Homes/trailers**

Councilman Mohr states he found this code in non-conforming use Sec 12-236.

**Continuation**

Thursday, December 7 at 7:00 p.m.

**Colorado Food Co.**

Mayor Kapp states they offered to give the town free meat for the Spring Festival, he needs to order this month. They prepare cook and give out free samples. The council wants to know if he will do sandwiches for us to sell as we want the money.

**Town Center**

Scheduled work day for December 9 at 8:00 a.m.

Council reviewed the floor plans.

Lease agreement - presented to Council

**Engineer**

The Council reviewed the Zigler and Payne proposal.

**St. Gabriel's Laboratories, 14540 John Marshall Highway**

They are in the M-1 County district. Regulations were passed out to Council.

**Recess**

The Council recessed to Thursday, December 7 at 7:00 p.m.

**TOWN OF HAYMARKET, VA.  
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**Continuation December 7, 2000**

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

**Shoppes at Haymarket, Leaberry Lane, lighting for shopping centers**

Ms. Leaberry presented the plan. Councilwoman Bailey moved to approve new lighting fixtures, second by Councilwoman Scarbrough. Yeas: Shepard, Utz, Bailey, Stutz, Scarbrough. Nays: None. Motion carried by 5/0 vote.

**Mountain View's Elementary School Yearbook ad**

\$25 for business card size ad. Councilman Utz moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Utz, Bailey, Stutz, Scarbrough. Nays: None. Motion carried by 5/0 vote.

**Shoppes at Haymarket**

The developer and superintendent of the job want speed bumps on Kapp Valley Way temporarily. Councilman Utz asked if he should ask Chief Roop to patrol that. Atty. Arledge states they may have to post a bond to remove the speed bumps and insurance to cover liability. (1) Inclusion in insurance policy, no liability to the town, (2) post a bond to remove to original condition. Atty. Arledge states need an engineer's study. Mr. Lowery states speed bumps are not a good idea. Fairfax had them removed. Mr. Lowery says the violator is Mid Atlantic Pipeline. They are moving out in February.

There is presently a 5 m.p.h. speed limit posted by the contractor. We should put up an official sign, which can be posted at the construction site. Mr. Lowery states 15 m.p.h. is reasonable. Atty. Arledge states the code says the Town Council can authorize to temporarily reduce the speed for up to sixty days for construction or repair of property.

Councilman Utz moved to post 15 m.p.h. signs as needed and Police Dept. and the PD will run radar at appropriate times, second by Councilwoman Bailey. Councilwoman Stutz asked resolution to state for up to sixty days. Atty. Arledge says it is up to the Mayor for time, per Sec 46.2-1300. Councilman Utz amends motion to authorize Mayor under 46.2-1300 to install a stop sign at Sheetz and Mr. Lowery to enforce Sheetz, second by Councilwoman Bailey. Yeas: Shepard, Utz, Bailey, Stutz, Scarbrough. Nays: None. Motion carried by 5/0 vote.

**Property Insurance**

VML Insurance Program - valuation of buildings up \$95,800 for Town Hall, \$14,000 for Caboose, \$1,031,000 hardware property, \$355,600 grocery building, \$164,800 gray house, \$84,200 old post office for a total of \$2,135,000. At \$1,674 annual premium. Passed to Vice Mayor Shepard for review. Tabled.

**Virginia Worker's Comp. insurance**

Letter from VML stating our workers comp. policy does not extend to board members unless a resolution or ordinance is passed. Council sees no need for this insurance. Councilman Utz moves to disapprove workers' compensation issue regarding VML letter of October 23, 2000, second by Councilwoman Scarbrough. Yeas: Shepard, Utz, Bailey, Stutz, Scarbrough. Nays: None. Motion carried by 5/0 vote.

Councilman Mohr arrived.

**Audit**

Lovelace & Colville proposal for accounting services for financial statements preparation at \$75

per hour and auditing services at \$125 per hour.

Mayor Kapp asked if Wes Lovelace talked to the Clerk about accounting program. She said yes. We have Peachtree and the Clerk needs the time and Council make it the priority to put the books in order. Councilwoman Stutz states we are trying to get our financials done and in order. She asks what would he charge us to put our books in order now. Councilwoman Stutz states the accountant she spoke to, on behalf of Council, does not want to do books except by state code and the town doesn't have that requirement. Council determined they want to have the FY 2000 books audited. Councilman Mohr has a friend who does auditing on the side, he works for a major firm in Leesburg. Councilman Utz asks if Council gives the Clerk a month, three or four hours daily, undisturbed to dedicate to getting the books in order, would that work. Council discussed having the Clerk work out of her home as the program is loaded on her computer. Vice Mayor Shepard states she can't as there is not a registration on that program.

#### **Town Center**

Mayor Kapp states Dansations wants the upstairs on Jefferson Street side beginning June 1. Mayor Kapp spoke with her about \$10 per square foot. She would do some of the improvements and we would do some. Councilman Utz asks if we have to go to the town in public hearing to borrow money. Atty Arledge will have to look at that. Councilman Utz wants a definite answer on that.

Councilman Mohr asks what we are using for collateral. Atty Arledge says it could be full faith and credit. Councilman Mohr says he doesn't want the town hall put up for collateral, we could lose it. Atty Arledge states when the conservation easement is placed on the building [for the museum grant from the state] they couldn't take it.

Councilwoman Stutz and Scarbrough are looking for direction on how to proceed. Councilman Utz asks Mr. Lowery if safety code issues [in gray house] are met. No, they aren't. Councilman Utz thinks we need to prioritize and do a little at a time.

Councilman Mohr asks Mr. Lowery about the apartment upstairs [15020 Washington St.] with no fire walls. Mr. Lowery says that is not an old structure, if there are plaster walls that is okay, other walls where doors that have been made into walls and that is not okay. Mr. Lowery is concerned with the one lady enlarging her apartment. The town needs to get an electrician in there to re-wire the house and get rid of the fuse boxes and go to circuit breakers. Councilwoman Stutz and Councilwoman Scarbrough suggest to Mr. Lowery write a letter to the tenants and ask for permission to access the property to assess and get needs. Councilwoman Stutz is concerned the town has taken on the responsibility as a landlord. We need to make an effort to attempt to upgrade. We need to be sensitive to the tenants. Mayor Kapp says write each tenant a letter that we need to schedule to inspect each of the four apartments for safety issues, to upgrade to code, to schedule maintenance and that we have no intent to dislocate them. Councilman Mohr says male and female should do the inspection.

Mrs. Crafton-Masterson says she is quite close to Sam and Shirley and asks why does Council want to meet with them. She says the letter Council is suggesting [going to the tenants] is good for clarity. Councilman Mohr says he doesn't think a letter is appropriate - we should meet with the tenants personally. Councilman Mohr



does not want to be responsible any longer for this project as his efforts are being ignored.

Mr. Lowery states in Connie's apartment he would like to have a female to accompany him. Mrs. Crafton-Masterson states if town wants money we should sell the house.

Councilman Utz asks if Mr. Lowery, a plumber, an electrician and a lady Council Member would go and inspect. We need to send a letter to Gossom to remove steel containers next to Sam & Shirley's area. Councilwoman Stutz cautions we should not express anything to them while we are there. She would like bids from contractors so she, Mr. Lowery and contractors can go together. Mr. Lowery states a five day notice is required. This is to be done by December 16. Mr. Lowery will contact electrician and plumber.

Old Dominion Restoration has measured the windows of gray house. Mr. Lowery asks if we should ask Sam & Shirley to do the painting of the gray house. Mr. Lowery can do the outside lighting. Councilman Utz asks about rodents. Mr. Lowery says getting rid of the sheds, clean up around the house, pave the parking lot and plant grass around house the rodents will leave. Mr. Lowery states Alan Gossom will build two additional porches around the house.

Councilman Mohr would like us to seal up the garage doors and not use for a garage and take out the ramp. Councilwoman Scarbrough says that is the least of our worries.

Town Hall - They have to leave the peg board in the wall. It can't be taken out. We can put a wall up over it. Councilwoman Stutz wants bids on the work.

Mayor Kapp states this Saturday they need to dig footers, pour concrete, cut out doors between office 1 and 2, and 2 and 3 - tear off far end upstairs paneling and take down stud walls. Also need to move stuff downstairs. Mr. Lowery says be careful the wall doesn't come lose as it will fall down on someone. Atty Arledge says there would be no medical coverage for volunteers. Atty Arledge says if we were sued our insurance would cover us.

Councilman Utz asks if we will get updates on this priority list. Councilwoman Stutz says we [she and Councilwoman Scarbrough] want Council to prioritize this list. Mayor Kapp says we're getting estimates on a phone system. Councilman Mohr thinks what they [Falcon] offers is expensive. Phone company says fiber can not hook up to DSL line. Councilwoman Scarbrough said to check with the cable company. She says it is half price of running on a phone line. Councilman Mohr to get estimate from Verizon. Mayor Kapp to get estimate from Comcast.

Floor plan of town offices - Councilwoman Stutz says we just talked about undisturbed time for the Clerk, we should have a door to close off her office. Councilman Mohr suggests to make a half wall for a counter. Mayor Kapp doesn't want to have office open, need to be able to lock.

Currently we have electric heat [in the downstairs], we may convert to gas. Gas piping is in the building. Councilman Mohr asks if AC and furnace is working. Mr. Lowery says they had them all working. Mr. Lowery says the stair in the middle of the building are a good set of stairs. Should be left if a boutique was upstairs for easy access to the bathroom downstairs. Councilman Mohr asks if we have considered the need for storage. Mr. Lowery says there is

plenty of room.

Mr. Lowery asks if the Post Office would want to lease space temporarily [1600 square feet] for carriers for one or two years while they construct. This would not require a lot of improvement.

The only insulation is a sheet of Celtex. We should use lumber from upstairs for downstairs for insulating. Mr. Lowery says we more than qualify for handicap exits now.

Estimates are \$3000 to drywall ceiling installation and insulation, \$3000 to fire proof beams with drywall, \$7100 for heat/AC gas upstairs, 5 ton (town hall side) \$3500-\$4000 to replace furnace downstairs electric to gas (upstairs middle), new walls/drywall building office flooring upstairs (by June need HVAC for Dansations), drop ceiling, wainscoting. Mr. Lowery says tile floor is asbestos, carpet is best to use not to disturb asbestos. You can lay tile on top, can not put wood in because you have to secure it and asbestos would have to be removed. You can use parquet tile as long as it glues on the floor.

Councilman Mohr asks for the date to move in to the new town hall. Mayor Kapp would like the first of March.

Mr. Lowery says if we want the Coalition Against Hunger to move we need to get the sheds out back on concrete ready to relocate. Councilman Mohr asks if we sent eviction letter to them. Councilwoman Stutz states we decided to wait on the letter until we got our plan together and make a plan to accommodate them elsewhere, then contact them to move or consolidate their current space. Mr. Lowery states [if they move to the rear of the hardware] we can give them a key to the back door to access the bathroom. Councilman Utz states we should send them [the Coalition ] a letter letting them know what we plan for them in case they are not interested.

Mayor Kapp says a lot of this work we can do ourselves and save a lot of money. Councilman Mohr agrees. Councilwoman Stutz thinks we will have to wait until after Jan. 1 for volunteers to help with the project. Councilwoman Stutz reiterates the Town Center committee wants priorities (1) to look at gray house for safety issues, (2) the town hall. Mr. Lowery says anything we want from Gossom to write to him. Mr. Lowery will write to Mr. Gossom.

Mayor Kapp asked Councilman Mohr if he got contacts from church people. Councilman Mohr states Young Life was ready to send in folks to help. He will ask them for after Jan 1. They need a schedule. Councilman Mohr says a young adult counseling center may fully sponsor the renovation for the youth center. Mr. Lowery will have contractors price renovations out.

Next work day scheduled for January 6. Councilman Mohr to check with people to help. Mr. Lowery will have estimates by then.

Grocery Store - Mr. Lowery says we postponed what Gossom was to do as tenant was to remodel. Store is not going to remodel, no money. Mr. Lowery needs to get Gossom in there as the sewer line is freezing and backing up. Gossom needs to dig up and possibly replace. The store will have to go to the expense of installing grease traps as they are now dumping grease in the sink. They are cooking breakfast, lunch and dinner. They want to know what the town is going to do on the outside. Mr. Lowery asked Mayor Kapp if he asked the construction people to pump rainwater off [the new sidewalk on the Wash. St. side of the bldg]. Mr. Lowery asked if

they will remove the step also.

Councilman Utz says any money spent at the grocery store is a waste of time and money since we have a Food Lion coming. No matter what we do over there it is going to be used for a different purpose in six to eight months.

Mr. Lowery and Councilwoman Bailey agree. Councilwoman Scarbrough says lets put it on the end of the list. Mr. Lowery says he understands F&M Bank wants to move into town.

Councilwoman Stutz asks Atty Arledge if he sent the grocery store a letter about the delinquent rent. Atty Arledge says no, he didn't know what the specifics are. Council wants that done.

Mrs. Crafton-Masterson asks if Council is aware grocery store has pornographic material out on the counter. Councilman Utz states Sheetz is selling too. Councilwoman Stutz says Sheetz is covered. Councilman Utz says it is in the ordinance it is not permitted in town. Atty Arledge will look into that. Councilman Mohr found under (12) Offenses, Powers of the Council, in the charter "to prevent lewd and indecent material" on page 15 Article 4 #12 authority to take action. Atty Arledge will check state code and town code provisions.

Mr. Lowery wants to know about the apartment over the Red Rooster. The plumbing needs to be redone and hot water heater has to be removed from the bedroom. Mr. Lowery wants them [tenant] to vacate the premises as the gas has been turned off and the tenant turned it back on in violation. Gas company will issue a violation to town as property owner.

Councilwoman Scarbrough moved to have Mr. Lowery send a letter to vacate the apartment, with thirty days notice, for health and safety hazard, second by Vice Mayor Shepard. Yeas: Scarbrough, Shepard, Bailey, Utz, Mohr. Nays: None. Abstain: Stutz. Motion carried by 5/0/1 vote.

**Next Council meeting**

January 8<sup>th</sup>.

**ISTEA**

Atty Arledge has not sent letters to the utility companies regarding the delay in moving utilities. Mayor Kapp is to get the names and addresses to Atty Arledge. Councilwoman Stutz will have them [names and addresses] e-mailed to Atty Arledge. Councilman Mohr wants the notice sent tomorrow as each day we are ticking off liability.

Councilman Mohr asked if the Atty reviewed the contract [construction] prior to signing. Atty Arledge thinks a letter was written defining issues to be considered.

**Business License**

Tom Strigo Inc., Plumbing contractor, Shoppes at Haymarket - Councilwoman Bailey moved to approve, second by Councilwoman Scarbrough. Yeas: Shepard, Utz, Bailey, Stutz, Scarbrough, Mohr. Nays: None. Motion carried by 6/0 vote.

**Construction Permit**

Alger, 6852 St. Paul Drive, porch - The Clerk informed Council this application was

inadvertently not sent to the PC and asked if Council would consider it. Councilwoman Scarbrough states it meets ordinance requirements and moved to approve, second by Councilwoman Bailey. Yeas: Shepard, Utz, Bailey, Stutz, Scarbrough, Mohr. Nays: None. Motion carried by 6/0 vote.

**Engineering firm**

Zigler & Payne, \$85 per hour for plan review. Councilman Utz moved to use Zigler and Payne as consultant for engineering review and site plan review at \$85 per hour, second by Councilwoman Scarbrough. Utz amends motion for to specify for three months, Scarbrough seconds the amendment. Yeas: Shepard, Utz, Bailey, Stutz, Scarbrough, Mohr. Nays: None. Motion carried by 6/0 vote. Mayor Kapp is to advise Mr. Payne.

**St. Gabriel's laboratories**

Mr. Lowery informs Council St. Gabriel's Lab is building a silt pond on three acres in town for water and service off Bleight Drive. Mr. Lowery asks if the silt pond can be in R-1 district. He will let the engineer know. Mayor Kapp says we shouldn't allow it, it should go on 7 acres [acres in the county]. Mr. Lowery says it won't fit, they are building a 24,000 square foot building [on the county side].

Councilwoman Bailey says St. Gabriel's is M-2 zoning. Mayor Kapp will stop and talk to Mr. Reuter. Councilman Utz says he honestly thinks Council has so much on their plate, do we want to battle for the restrictions we want. It is going to be a headache with the new building, they propose. Mr. Lowery states we will have to deal with him and the retention pond and does he have the legal right to put it there.

Councilwoman Stutz asks if it is a dry pond or wet pond. Mr. Lowery says it is a dry pond. Councilwoman Stutz says the county will take it. Councilwoman Stutz is for the boundary line adjustment because he pays \$20,000 in taxes [in the county] and the town could get a percentage of tax money. Mayor Kapp will invite Mr. Reuter to the next meeting.

**ISTEA curb and gutter estimate**

Mayor Kapp says he got a bid from Gull for price to put curb down behind the building . He got a bid for curb and sidewalk (Coalition Against Hunger side) behind grocery for \$6300. The curb island by grocery and antique store on the front is \$880 for both. The curb at antique and grocery store at \$880, Bailey and Shepard agree with this expenditure. Councilwoman Scarbrough does not agree with the \$6300 expenditure.

Councilman Utz would like to know about the loan [the Mayor has been pursuing with F&M Bank]. He would like town folks to know about a loan.

Councilwoman Scarbrough thinks the \$6300 can be used elsewhere. Atty Arledge asks is this added to the contract. He states this should be a separate contract so it doesn't effect current contract.

Councilwoman Scarbrough moved to approve \$880 on a separate contract for header curb at Red Rooster (15020 Washington Street) and grocery store (15010 Washington St.), second by Vice Mayor Shepard. Councilman Mohr asks how do we pay for this? Mayor Kapp states if the town doesn't have enough money he'll raise it himself. Yeas: Shepard, Utz, Bailey, Stutz,

Scarborough, Mohr. Nays: None. Motion carried by 6/0 vote.

**Architectural Review Board**

Street lights at Shoppes at Haymarket.

**Board of Zoning Appeals**

Duckett term expires January 31, 2001. Jan 8 agenda need suggestions for nominees.

**Town Center grocery store, 15010 Washington Street**

Grocery store has to pay lease through December 31, 2004 and there is no escape clause. We may have responsibility to reduce loss by renting. Councilman Mohr asks if there is a cause due to construction. Atty Arledge says there may be as the street front was closed for a period. They may have some recourse. Councilman Mohr asks if lessor or lessee is responsible to keep the sidewalks clear. State code requires tenant to keep the walks clear, states Atty Arledge.

**Bond, Sec. 9 Street Scape**

Councilwoman Stutz asks for the money to be refunded. Mayor Kapp wants to check figures, it looks low. Councilwoman Stutz states the town already accepted the bid [the escrow is based on].

**ISTEA project - Utility company**

Atty Arledge confirmed what poles needed to be moved. Mayor Kapp states he checked with Virginia Power.

**Police Dept. Liaison**

Councilman Utz says Chief Roop would like to sit down and discuss some issues, the meeting they were supposed to have tonight had to be postponed due to this meeting. Chief Roop would like to discuss issues with Council. Councilman Utz states he takes the Police Department Liaison position very seriously.

Councilman Mohr asks if all issues were solved. Councilman Utz thinks that is a mind set. Council needs to address the checkbook, budget authority, spending, etc. His only regret is the line of communication didn't take place sooner. Councilman Mohr says a lot of stuff was brought up sooner and maybe we didn't take a hard enough stance.

**Historical Commission**

Mrs. Crafton-Masterson says the fund raising event for Valentine's Day will be February 10 at 8:00 p.m. at St. Paul's. The Caboose will open in April on Saturdays for sales. Mrs. Turner is in charge. Councilman Mohr asks for sales items to go onto Internet. Joyce has offered some wood work.

There are vacancies on the commission.

North Fork Creek - The commission members went to a seminar in Middleburg and inspected a creek there. Izaak Walton League speaker will come to Haymarket in the spring.

Mrs. Crafton-Masterson says they don't think they have review authority in ordinance currently. They think they need authority to give proper guidance to the town.

Atty Arledge asks if Council appoints the members to the Historical Commission. Council accepts them the Mayor stated.

Mrs. Crafton-Masterson has a request from a member regarding the conduct in meetings here. When the public is here the Mayor has control and has authority at all times. If that were done the new people coming in would find a good atmosphere here in town and business conducted in an orderly fashion.

Mayor Kapp says we need to look at height of lights in the ordinance. Mrs. Crafton-Masterson did inspect all lights on Rt. 7 to McLean. All shopping center lights are 39' in the air. The higher the poles the less noticeable they are. Some poles are lighter color rather than dark black which is stark.

Councilman Mohr states some bank information was left off the caboose lettering. He says it is historically important. He will submit it to the Historical Commission.

**Greenhill Crossing Sect 9 escrow**

Councilwoman Stutz wants the \$36,000 refunded to Peterson for Sect 9 and the town hold the \$26,000 for Sec 8 & 9. She was asked why she wants \$33,000 back. She answered this escrow included a street light for \$3,000. Estimate by Dewberry and Davis is not going to cost the town \$36,000 as this \$26,000 is a bid. Councilwoman Stutz agreed to leave this until the work would be done. Atty Arledge recalls the meeting the town was given check for \$26,000.

The 1997 escrow included brick and street light for section 9. In July 2000 we received an additional escrow for section 8, in front of townhouses, and gave additional money for sidewalk for section 9, based on an actual bid. Sidewalk Sect 8 \$1750 option B - 2<sup>nd</sup> entrance.

Councilman Mohr asks if the Mayor can agree to this much money. If we already have \$36,000 agreement how can they change. Mayor Kapp states \$36,000 is for Sec 9 with sidewalk in concrete. Mayor Kapp says we would return the balance of the original escrow. Atty Arledge says we draw out what it costs to build and return balance with interest to developer.

Councilwoman Stutz would like to leave \$36,000 where it is and take out \$26,000 option B keep \$12,175 return \$14,341 to Peterson. Councilman Mohr asks what happens if it costs more than we have can we collect. Atty Arledge states no, we can not collect additional money. Mayor Kapp states street lights are not included in here. Councilwoman Stutz says it will be less money as the concrete has already been poured, curb and gutter is already in Sect. 8. Mayor Kapp states the concrete will have to be taken out as it is too high. Councilwoman Stutz says the removal of the concrete is included in the bid.

Atty Arledge is not familiar with the administration of the town. This meeting [when the mayor agreed to the bid] was included in the meeting regarding E&S issues and inspections with Bruce Gould, Atty Arledge and the Mayor. Councilman Mohr wants all documents pertaining to this matter and wants to know if we have to give back the balance and can we put a caveat in to collect cost overruns.

Councilman Mohr is hesitant to release the money. Atty Arledge says the time to gather documents will be billed to the town and the Clerk will have to gather the minutes. Tabled to Jan. 8 meeting.

**ISTEA enhancement plaques**

Councilwoman Stutz to meet with Clerk Friday, Dec. 8.

**Building Official**

Shrink Swell Policy & Cross Connection agreement - Lowery pulled both.  
Madison Street - done

Mr. Lowery will issue citations to Frogale and Lambradozzi. Frogale is using building for lumber storage. Lambradozzi for saddlery to vacate, addition added to the back of building without a permit. Mr. Lowery had written a letter with violations that would be remedied within a year and they are not done.

Mr. Lowery advises Council Mr. Lambradozzi is leasing his property to others to store equipment for vehicle storage and servicing large tractor trailers. Mr. Lowery states this is a zoning issue. He [Mr. Lowery] was told Lambradozzi doesn't care that this is a violation. Atty Arledge is to write to Lambradozzi and tell him he is in violation of the code. Mr. Lowery to give Atty Arledge the address and a copy of letter.

Frogale has to put in water service and get his site plan in. He has opened up an entrance on Rt. 15 for tractor trailers.

Mid Atlantic needs a letter sent to reinstate to original condition.

Washington Gas pipeline is working again.

E&S administrator - Mr. Lowery asks Council to appoint him as E&S Administrator and drop Burgess & Niple. Councilman Mohr moved to appoint James Lowery as E&S Administrator, second by Councilwoman Scarbrough. Yeas: Shepard, Utz, Bailey, Stutz, Scarbrough, Mohr. Nays: None. Motion carried by 6/0 vote.

Mr. Lowery states the town should encourage the Post Office to lease and not buy a property, as we have no jurisdiction over property or inspections if the Post Office owns the property. Mayor Kapp says Supervisor Wilbourn apprized him of that. We may want to encourage Gravette to build it and lease from him.

*The Post office needs 17,500 sq. ft., our ordinance doesn't provide for this - special use.*

Councilwoman Stutz says Peterson sent a proposal to the Post Office. Mr. Lowery says Frogale is sending a proposal also.

Mr. Lowery spoke to Mr. Stafford at 84 Lumber. The plans will be coming for conception of facility 12,500 sq. ft.

Councilwoman Stutz asks why are they [84 Lumber] is sending plans to Mr. Lowery. Mr. Lowery states they are in Pennsylvania. Mr. Stafford says he wants to know if they are in the right ball park.

Councilman Mohr asks about the Durham property and moving of the junk cars. Mr. Lowery is

working with Chief Roop and Sgt Putnam. He says vehicles appear and then are stripped. Durham says he is not doing it here, he has a business in Fauquier County. Mr. Lowery says once the road is built to the new lot he [Durham] will lose the car lot.

Councilwoman Bailey states the property, in the annexing on Route 15, came in at R-1 zoning and needs to be rezoned.

**Shoppes at Haymarket**

The Clerk states we got the permit fees. Councilwoman Stutz says there is no bond amount on the "White" letter. Atty Arledge states it is to be attached to a performance bond. There is no performance bond in place. Atty Arledge says the letter of credit was not approved. Atty Arledge says E&S bond, performance bond and conservation bond is required. Councilwoman Stutz asks if we have procedures to apply for these back. We have nothing in place. Atty Arledge states that is part of the code re-codification. When we get that the code back [new draft] it will be in an organized form for wholesale modifications to the code where we have the authority to regulate. Councilwoman Stutz asked if we can temporarily adopt procedure as having no procedure is difficult. Mr. Lowery will get information to Planning Commission.

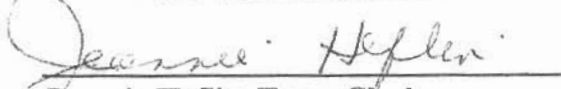
**Shoppes at Haymarket, lighting** - Councilman Mohr says Council did not choose style of street light for shopping center. [Council had approved the style.] Councilman Mohr moves it has to be round style light, second by Councilwoman Stutz. Councilwoman Stutz says when he [Leaberry] was here Monday we agreed to the light but not the height. Vice Mayor Shepard says we asked him [Leaberry] to come back with design as well as height. Mrs. Leaberry says the round style does not give off as much illumination as the square lights.

Councilwoman Scarbrough calls the vote. Yeas: Mohr. Nays: Bailey, Scarbrough, Shepard, Stutz. Motion failed by 1/4 vote.

**Adjournment**

The meeting adjourned at 11:27 p.m.

**RESPECTFULLY SUBMITTED:**

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

**APPROVED:**

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