

TOWN OF HAYMARKET, VIRGINIA
Chartered 1799
County of Prince William

PUBLIC HEARING
MERCHANT'S CAPITAL TAX

MAYOR
John R. Kapp

ATTORNEY
John Arledge

COUNCIL
James Shepard, Vice Mayor
Mary Lou Scarbrough, ARB Liaison
Douglas Mohr, Historical Commission Liaison
Tom Utz, Police Liaison
Nancy Bailey, PC Liaison
Pamela Stutz

Mayor Kapp opened the public hearing at 7:05 p.m.

Merchant's Capital Tax

For:

Mayor Kapp asked for all those to speak for.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

Against:

Mayor Kapp asked for all those to speak against.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

Public hearing closed at 7:08 p.m.

REGULAR SESSION

MAYOR

John R. Kapp

ATTORNEY

John Arledge

COUNCIL

James Shepard, Vice Mayor

Mary Lou Scarbrough, ARB Liaison

Douglas Mohr, Historical Commission Liaison

Tom Utz, Police Liaison

Nancy Bailey, PC Liaison

Pamela Stutz

Mayor Kapp opened the regular session at 7:30 p.m. Mayor Kapp led the Council in the Pledge. John Patterson led the Council in prayer.

Minutes of previous meeting

Vice Mayor Shepard moved to approve with corrections noted and dispense with the reading of the minutes, second by Councilwoman Scarbrough. Councilwoman Scarbrough submitted changes, Councilwoman Stutz submitted changes on pg 7 letter to PC from Heard, not Stutz, ISTEA. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote.

Police Report

Sgt. Roop reported (see accompanying.)

Treasurers Report

First Virginia Bank general fund checking account beginning balance \$90,711.23, expenses \$47,035.24, deposits \$58,683.03, ending balance \$102,359.01.

Unpaid Bills

\$27,035.25 - Councilwoman Bailey moved to pay, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote.

Business License

Alibi Caterers, 6608 James Madison Highway - Mr. Lowery says PWC has not released approval, not appropriate to approve until the county sends approval. Tabled.

All Type Auto Repair, 14850 Jordan Lane, home business - Mr. Lowery and Sgt. Roop want to visit the site to inspect. Councilman Utz would like Sgt Roop and Mr. Lowery visit site to check and validate what is going on. Councilman Mohr states they are only to store vehicles for 30 days. Mr. Lowery will contact owner to inspect with them. Tabled.

Sign Permit

Lovelace & Colville, 15018 Washington Street - Councilwoman Scarbrough says they looked at this at the ARB, they chose a 6" x 18" of a modified style and lettering hung on shed and also chose the same style for street numbers for over the doors. Applicant will pay for their signs.

Councilwoman Stutz says that sign would be expensive for temporary use. Councilman Utz suggests we use a hanging sign (out from the building.) Mayor Kapp has problem with that, no visibility from Washington St. and would have to be hung very high.

Councilwoman Stutz suggests we enlarge to 8" tall and 18" wide for visibility.

The PC tabled applications and sent it back to Council because they had nothing to go on.

Town Council tabled to go back to ARB and PC for amendment to sign ordinance since the sign is too large. Schedule public hearing for next PC & TC. Councilwoman Stutz asks if we have an architect on this building. Mayor Kapp says the county has given us someone to help us. Councilwoman Stutz suggests we ask the architect for ideas and inform the applicants we are trying. Councilwoman Stutz moved for temporary sign for office tenants until we determine something permanent, second by Councilwoman Scarbrough. Councilman Utz suggests we give them the approval to use signs like car signs. Councilwoman Bailey states ordinance does not permit temporary signs except banner, bulletin boards, real estate, retail, seasonal, etc. for 14 days. Councilman Utz suggests a window sign for product or service - no time period. One tenant does not have a window on the front of the building. Councilwoman Scarbrough suggests three signs on the window (of the front door.) Councilman Mohr asks if we can change for short term. Atty Arledge states statutory regulations make it difficult.

Councilwoman Stutz amends motion to displayed on door or in the window 6" x 18" until permanent design is adopted, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote.

Council sent to PC. Mayor Kapp will contact the architect (PWC) to have him come to August 24 ARB continuation.

Construction Permit

Van Dyke, 14903 Greenhill Crossing Drive, deck - Councilwoman Scarbrough moved to approve, second by Vice Mayor Shepard. Councilwoman Stutz says approval should specify what the approval is for. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote.

Back 2 Basics, 6675 Fayette Street, pool - The Planning Commission sent to Council for direction. Councilwoman Bailey says nothing in ordinance pertains to a pool. Councilwoman Scarbrough states County has regulations but not the town. Council sends to Building Official. Mr. Lowery says the Health Dept will advise whether a 6' fence is required, there is a 4' fence now. Mr. Lowery says there is nothing wrong with it. Drainage was done by Mr. Bailey who graded the property. Chain link fence was erected, not approved. The pool comes down in September, chain link fence is permanently installed. Does not grandfather and additional fence.

Atty Arledge states code says fence must be erected no less than 4' high. Mr. Lowery says the town does not have a permitted fence non-climbable. Mr. Lowery says the chain link fence is inside the playground and needs to be visible to be able to see the kids.

Councilwoman Stutz asks if we can approve the pool as temporary for summer. We can not approve the fence.

Councilman Utz moved to approve for above ground pool as temporary seasonal pool, second by Councilwoman Bailey. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote.

Back 2 Basics, 15026 Washington Street, fence - write a letter regarding unauthorized fence. Councilwoman Stutz moved to send a letter to applicant that fence is not in accordance with ordinance. Tell them to remove the fence and apply for a proper fence, second by Vice Mayor Shepard. Councilman Utz states we should have the ARB look at that. Councilwoman Stutz states allowing folks to keep non-compliant makes others think they are approved. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote.

Haymarket Self Storage, 6600 James Madison Highway, storm water management pond - applicant requests to reduce the pond by 25%. Mr. Jacobson states PWCSA has approved this. Mayor Kapp asked if all calculations on land are for now or after it has been paved. Mayor Kapp says last letter from Leaberry engineer was that this is the right size. Mayor Kapp doesn't think we can act on this. Mr. Lowery asks if the town engineer has reviewed this. No was the answer. Mr. Jacobson asks for approval pending engineer approval. Councilman Mohr states we discussed not approving until all items are submitted. Mayor Kapp says he is concerned Leaberry engineer calculated it to the proper size originally. Councilwoman Stutz asks why they need 35 spaces at the self storage. Mr. Jacobson wants to provide vehicle parking. Mr. Jacobson states Leaberry's engineer was a Maryland engineer and calculated to Md. Standards. Mr. Jacobson states they could pave it.

Councilwoman Stutz asked if vehicle storage is a permitted use? Councilman Mohr states he doesn't think it is. Councilwoman Bailey states PC question is for this type storage facility is it considered parking. If parking it has to be black topped. Applicant says it is storage only and not required to be paved. Councilwoman Stutz asks if this is an addition to the business license use. Mr. Jacobson states that is correct. He says the pond is fenced as part of the whole property, black chain link fence is in place. Mayor Kapp says if that is paved the pond will have to be larger to hold the additional runoff. Councilman Mohr asked about fuel and batteries on stored vehicles.

Atty Arledge states Industrial-1 district does not list under permitted uses storage of vehicles. Councilwoman Stutz asks if this (storm water management pond) is existing and who owns it. Mr. Leaberry sold this property to Haymarket Self Storage with agreement Leaberry can use the pond. Haymarket Self Storage owns the easement. Mr. Leaberry says pond has not been approved.

Mayor Kapp states our ordinance does not permit open storage. Mr. Jacobson asks if there is a process to have it. Council agrees with there is a need. Mayor Kapp and Atty Arledge state they can build a building (to house storage) but it must be contained. Councilwoman Stutz states we must separate the two issues, the pond and vehicle storage.

Mayor Kapp removed reference on application to the parking spaces with the authorization of Mr. Jacobson.

Storm Water Management Pond-Haymarket Self Storage-6600 James Madison Highway
Mayor Kapp states George Cropp, town engineer, is not certified for this issue. Mr. Cropp passed this on to someone in his office to review. Mayor Kapp wants approval by Mr. Leaberry's engineer, Holsinger and town engineer. Applicant can call a special meeting and pay for it (if he wants approval prior to the next regular meeting.) Tabled to August 23 continuation meeting.

Haymarket Self Storage, 6600 James Madison highway, revised (formerly) front elevations (facing Washington Street) and move building closer to property line on Washington Street side - Mr. Jacobson states the building ends face James Madison Highway, the front of the property. Mr. Lowery states this changes the facade. Mayor Kapp changed the application, with authorization from the applicant, to cross out revised layout and cross out elevation to read "facade of front storage building." Clerk states the front has been determined to be James Madison Highway. Councilman Mohr moved to approve the facade only as indicated by the ARB notes, second by Councilwoman Scarbrough. Councilwoman Stutz asks if it states on application only the portion visible from the street. The whole thing has changed.

Councilman Utz asks split buildings, how does that effect facade of building E. Applicant will have to submit with construction permit. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote.

Ryan Homes, 6764 Jefferson Street, Lot 12, Victoria B, no porch - Councilwoman Scarbrough moved to approve, second by Councilman Utz. Councilwoman Stutz states they show fence on site plan. Mr. Lowery says the x's is silt fence. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote.

Ryan Homes, 6740 Jefferson Street, Lot 16, Sheldon C - Councilman Utz moved to approve, second by Councilwoman Bailey. Councilwoman Stutz asks to note fence line is a silt fence. Also this property has a water line easement - set back to the property line not the easement. Mr. Lowery says trees will be cut down. Councilwoman Stutz says trees are on her lot. Also there is a property line issue. Mr. Lowery thought easement was abandoned. Councilman Utz amended his motion to approve providing corrected site plan is submitted and approved prior to building permit, second by Councilwoman Bailey. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote.

Alger, Zupan, 14042 Greenhill Crossing Drive, screened porch and deck - ARB did not approve (needed more information), PC approved. Councilman Utz moved to approve if the ARB approved of design on August 24, second by Councilwoman Bailey. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote.

Councilman Mohr asks about approval pending Board approval. Councilman Utz states this is a standard issue and possibly we should do on a case by case basis. Mr. Lowery asks if we can approve he put in deck only. Applicant does not want to do this piecemeal.

Demolition Permit

Leaberry, 15201 Washington Street, block garage - Councilwoman Stutz moved to approve, second by Councilwoman Scarbrough. Councilwoman Stutz wants on permit block structure addressed at 15173 Washington Street. Mr. Lowery states a construction permit is required. Atty Arledge states Historical Commission has no authority but must (review) at a public meeting for recommendation. Councilwoman Stutz amends motion to "pending all zoning requirements, Historical Commission recommendation, submission of affidavit from applicable utilities," amendment second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote.

Certificate of Appropriateness

Bolt Property, 6710 Bleight Drive - The Historical Commission submitted a recommendation

based on Hovnanian submission, which is being resubmitted by Hovnanian for the next ARB meeting (August 24.)

Citizen's Time

No one spoke.

Planning Commission

Back 2 Basics, 15026 Washington Street - Councilwoman Bailey would like an opinion from Atty Arledge regarding the sign ordinance. How does counsel interpret alteration to signs, page 734. PC assumes if sign changes wording that is an alteration and sign permit is required, Sec 12-213(a).

Councilman Mohr states the sign physically changed and he thinks it requires a permit. Atty Arledge states there is a lot of litigation, particularly billboards, on this subject and has been determined that wording is not a change. Atty Arledge states you have a different story in a historic district.

Councilwoman Scarbrough states the point of the sign ordinance was that we could get old signs upgraded and have a more pleasing style throughout the town.

Town Clerk to tell applicant she has to apply for ARB approval using certificate of appropriateness form for wording only.

Comprehensive Plan - PC needs help from NVPDC. Mayor Kapp will call them.

PC Liaison to the ARB - Councilwoman Bailey states the PC wants to know if Council directs PC or does Council reinstate (reappoint) Liaison. Council appoints PC Liaison to the ARB.

Councilman Mohr moves to appoint John Duckett as PC Liaison to the ARB, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote.

Comprehensive Plan Survey - Remove #12, Mayor Kapp would like a comment line for each question. Add new hours of town hall on cover page, update the shopping center coming (proposed), put in street scape update, new town hall, update including a youth center. Councilwoman Stutz suggests we put this information in the newsletter and not make it a part of the survey and survey to be referenced in the newsletter. Page 2 delete employment question, Page 4 when 1.-3.

Historical Commission

Mrs. Crafton-Masterson reported (see attached). Councilwoman Stutz asked what the requirement of town is for a phase I study. The answer is there is no requirement. She states you can't require under the ordinance but you can ask for one. Mrs. Turner states it may be part of the original race track. Councilman Mohr asks if we want to send a letter requesting a study. Councilwoman Stutz says since they are bringing new plans it is a good time to ask for a study. The Planning Commission can ask for a historic phase I study with the site plan submission.

The Historical Commission set up a heritage committee, Mrs. Turner, Mrs. Heard, Mrs. Ivancic and Councilman Mohr, for the purpose of fund raising. Mayor Kapp feels this move is a power

struggle and an attempt to take money from the Historical Foundation. There is no reason (fund can't be done under the foundation. Mrs. Ivancic, the chair wants to create a historical society from which to raise funds not from the Historical Commission. Mayor Kapp states the Historical Commission should put their focus on raising funds to match the \$30,000 for the museum. Councilwoman Stutz states Mrs. Crafton-Masterson came to her and said the HC does not want to be a fund raiser. Mrs. Crafton-Masterson told the Council last moth that Eleanor was directed by the Historical Commission to see about splitting off from the Historical Commission. Mrs. Ivancic is the Historic Preservationist. The Historical Commission has been charged to raise funds for the museum only. The HC doesn't know where the money goes in the Foundation. Councilwoman Stutz suggests Mayor Kapp talk to the Historical Commission and give them the by laws, accounting and tax reports.

Councilman Mohr states the HC does not want him to be reporting HC issues to the Council.

Clerk's Assistants/Town Clerk relationship

Councilman Mohr moves that Jeannie Heflin is supervisor for the two assistant clerks, second by Councilwoman Bailey. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote.

Treasurer's Conference of Va.

The Treasurer requested to attend the Treasurer's Round Table and class in Charlottesville August 13-15 for \$185 registration fee. Councilman Mohr moved to approve registration, meals and miles, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote.

CMCI, September 25-29

The Town Clerk requested to attend the Certified Municipal Clerks Institute September 25-29. Councilwoman Bailey moved to approve plus miles and meals, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote.

Town Council Continuation August 23, 7:00 p.m.

Web Site

Councilman Mohr is to talk to web server representative Tuesday a.m. Mayor Kapp had to write a letter to web people because Councilman Jasionowski would not write it. We were to be online Friday, but we are not up yet. Mayor Kapp wants it done by noon tomorrow.

Councilman Mohr asks if Council will allow the Town Clerk to receive applications on the Internet. Atty Arledge states applications need original signatures on the permits.

Recess

Councilwoman Scarbrough moved to recess until August 23, 2000 at 7:00 p.m, second by Councilwoman Bailey.

CONTINUATION OF REGULAR SESSION - AUGUST 23, 2000

MAYOR

John R. Kapp

ATTORNEY

John Arledge

COUNCIL

James Shepard, Vice Mayor

Mary Lou Scarbrough, ARB Liaison

Douglas Mohr, Hist Comm Liaison

Tom Utz, Police Liaison

Nancy Bailey, PC Liaison

Pamela Stutz

Mayor Kapp opened the continuation of the regular session at 7:00 p.m.

Sign Permit

Coalition Against Hunger - United Way designation sign - Council sent to PC, ARB, etc.

Construction Permit

PWC School Board - temporary classroom trailer - Mr. Lowery requests a temporary permit for up to 180 days. Atty Arledge states it would not give them an acceptance to the zoning ordinance. Mayor Kapp says Council can not grant a trailer in town per ordinance. Mr. Lowery states Council has no authority to hand down a violation. Mayor Kapp asked if we can split hairs and allow temporary classrooms. Atty Arledge says he can't see where trailers are permitted.

Councilwoman Stutz asked if it is handicap issue. No there are already handicap folks in the school building. Mr. Lowery states they can not move the trailer to PWC side due to the buffer/set back.

Councilman Mohr moves to disapprove placement of the trailer because of our zoning ordinance, second by Councilwoman Stutz. Councilman Mohr says to let the trailer go to the PWC side and them deal with it. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote.

Site Plan Revision

Haymarket Self Storage, 6600 James Madison Highway, storm water management pond - Mr. Leaberry states he gave the computations to George Cropp and Mr. Jacobson. Mr. Jacobson states PWC has approved the revision and their indemnification to return property to current status if the revision does not work.

Atty Arledge states if property were sold at a later date this would not be binding. This serves the Shoppes at Haymarket and must be recorded as a covenant to the property. The letter of indemnification is a comfort level to Leaberry as the County approved the revision. It is recorded that the property owner is responsible for maintenance of the pond. Mr. Lowery states if he has an approved plan by PWC he has no problem with the revision.

Councilman Utz moved to approve the reduction of the storm water management pond at 6600 James Madison Highway, second by Councilwoman Scarbrough. Mayor Kapp says even though the applicant request outdoor storage that is not a part of this approval. Councilwoman Stutz asks why we are approving if PWC already approved. She asks how we know it is approved, our engineers have not sent us a recommendation. We have a copy of the easement and the

approved plan by PWC. Councilman Mohr was under the understanding Mr. Leaberry's engineer has not approved the revision. Councilman Mohr says Council requested Leaberry provide another look at that. Mr. Minchik has given authority to everyone (town and Leaberry) to do the calculations. If Council wants them to pay for the engineer study go ahead and do it, Minchik states. Mr. Leaberry states he is satisfied with everything. Mr. Lowery asks whose plan will he be using for inspections since the town engineer has not reviewed. Mayor Kapp will call Burgess & Niple August 24 to be sure the plans are being reviewed.

Councilman Mohr calls for the vote. Councilman Utz amends his motion to "approve pending town engineer approval," Councilwoman Scarbrough seconds amendment. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote.

Fence Permit Application Form

Council reviewed and revised. Councilwoman Stutz moved to approve with changes, second by Councilwoman Bailey. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote.

Time Clock

Councilman Utz submitted styles of clocks available. Council agreed the clock will be used by all employees. Councilwoman Stutz moved to authorize Councilman Utz to choose two clocks for a total up to \$1,000, second by Councilwoman Bailey. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote.

The Treasurer asked Council for guidelines for clock use. Council will address in closed session.

Shrink/Swell Policy

Mr. Lowery states this will be ready by September 15 for the October meeting.

Bluemont Concert Series

Saturday August 26, 7:30 p.m. Councilman Utz will make popcorn.

Spring Festival

Mayor Kapp asked for the bottom line for the last festival. Treasurer informed him it was a part of the financial file given Council at the August 7 meeting.

Museum Auction

Councilwoman Bailey asked the Mayor if the auctioneer charging us a fee was settled. Mayor Kapp states no. The Historic Resources Dept needs a deed of conservation easement, including the title for the town hall/original land grant. Atty Arledge is working on it with HRD. He states a conservation easement will be by strong language locked in forever, property will be kept the same and will be the town's obligation.

Mayor Kapp asked if we need a resolution for this? Atty Arledge will have for the September 11 meeting. Councilwoman Stutz asks if the \$50,000, figure stated in the letter, is this the matching grant. Mayor Kapp says yes it is the \$60,000. We either grant the easement or give back the money.

Haymarket Day, September 16

Parade will be covered by our insurance. Jackie Stackhouse is chairing the volunteer committee. Mayor Kapp needs volunteers for Friday night to mark spaces, put up tent and set up Saturday morning.

Councilwoman Bailey will try to arrange with NOVEC to have their robot here for the kids. The town will do popcorn and pizza. Council approved having Jack Stanton come for the kids. Ryan Homes is providing a Moon Bounce. Toll Brothers has offered to pay for the Velcro Wall.

Council will throw candy at the parade. Councilwoman Bailey will contact Phil Harrover for the wagon. Councilwoman Scarbrough will purchase candy with donations from participants. Ms. Copenhaver is to call Q Stop for donation of sodas.

Mayor Kapp does not agree we should charge \$35 for non profit organizations. The Town Clerk advised him the Senator Chuck Colgan stated he would not come here if **he didn't pay for a space** since this is a fund raiser for the town. Mayor Kapp agrees it is okay.

Mayor Kapp states he needs volunteers to be here at 6:00 a.m. to direct crafters, set up tables and chairs. Councilwoman Scarbrough will be here.

ISTEA

Construction underway.

Town Center Property

Mayor Kapp states he wants a budget meeting. Mr. Lowery says \$360 per beam to enable to move the posts up to 25' apart in the big room. Need three beams plus 6 six inch columns. Doors are being stained. Mayor Kapp and Ed Wheeler have been doing the staining. Bill Hines, plumber, has given the layout. The carpet and tread is in, fireboard is in. Mayor Kapp got a price of \$3640 to install fireboard. Mr. Lowery says fire doors (6) for stairway and fire walls are being donated by Mark Fried.

(Former garage on back of large building.) Mayor Kapp asks Council if use for a youth center is agreeable. Mr. Lowery state he and the Mayor have been negotiating with a plumber to use the garage area. Councilman Mohr asks who decides who rents this property. He feels it should be the Council's decision. Mr. Lowery says that facility has a use of retail and storage and any change would cause a great deal of upgrade. For youth center we need fire separation wall, bathrooms, heat/air conditioning.

Work session for budget scheduled for August 28 at 7:00 p.m.

Councilman Mohr was advised to put the youth center volunteers on hold except to clean up.

Back 2 Basics - needs some fire doors, closures, front porch.

Municipal Code

Merchant's Capital Tax - Councilwoman Scarbrough moves to repeal Code Sec. 2-27, second by councilman Mohr. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote. Atty Arledge states Council should have resolutions written prior to the meeting and adoption.

Vicious Dangerous Animals, Sec 3-7 - Atty Arledge asks whether Council wants to include a description for confinement of animal and who is responsible for enforcement or Council can delegate authority to some person, i.e., Mayor, Chief of Police. Review is by General District Court and town establishes regulation.

Councilman Mohr asked if the County code applies to town. Atty Arledge states since the town has its own ordinance for animals we do not fall under county code. Atty Arledge states Council should check with PWC first and if they will take care of it the town can repeal all animal code to fall back on the county regulations.

Shoppes at Haymarket

Mr. Leaberry states he needs a zoning variance for Food Lion to have a back lit (illuminated) sign. Food Lion requires a back lit sign and Mr. Leaberry wants a rear illuminated sign over each store. Councilman Utz asks if we can amend for the I-1 district only. Mayor Kapp says it would require a public hearing. Atty Arledge suggests there be a set back to any roadway to keep these signs back off the road. Councilman Utz asks what the size of each store sign will be. Mr. Leaberry states that has already been determined. Councilwoman Stutz asked if the size will be regulated. Mr. Leaberry is not putting any additional restrictions other than the town ordinance. Councilwoman Stutz asks Mr. Leaberry to present a total package. Mr. Leaberry states he needs approval for Food Lion.

Public hearing scheduled for Planning Commission September 26 at 7:00 p.m. and Town Council October 2 at 7:00 p.m.

Councilwoman Stutz will provide three versions of signage for shopping centers for the Planning Commission to review.

Mr. Leaberry states he is combining two entrances to one on the east side of his property. He will be bringing it in for approval, VDOT has already approved.

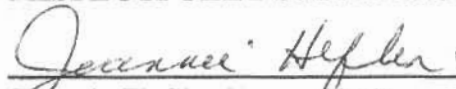
Performance bond for shopping center - Mr. Leaberry states the bank is to give a letter of credit to Atty Arledge and he also needs a bond for street improvements.

Closed Session

Councilwoman Scarbrough moved to go into closed session pursuant to Va. Code 2.1344(a)1 to discuss Historical Commission personnel matters, second by Councilman Utz. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote.

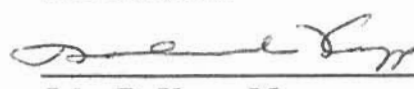
Vice Mayor Shepard moved to go out of closed session certifying only personnel matters were discussed, second by Councilwoman Bailey. Yeas: Shepard, Scarbrough, Mohr, Utz, Bailey, Stutz. Nays: None. Motion carried by 6/0 vote.

RESPECTFULLY SUBMITTED:



Jeannie Heflin, Town Clerk

APPROVED:



John R. Kapp, Mayor