

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

PUBLIC HEARING

MAYOR
John R. Kapp

ATTORNEY
None

COUNCIL
James Shepard, Vice Mayor
Mary Lou Scarbrough, PC Liaison
Dottie Leonard, ARB Liaison
Timothy Jasionowski
Douglas Mohr, Historical Commission Liaison
Thomas Utz, Police & Building Official Liaison

Subject: Zoning Text Amendment (fast food restaurant) – drive through window

Speak For:

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

First Call – Ralph Ring spoke.

Second Call – Glenwood Bear, Ed Wheeler, Nancy Bailey, Heather Ring, Adrienne Masterson spoke.

Third Call – No one spoke.

Speak Against:

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

First Call – J. T. McConnell (not a resident).

Second Call – none.

Third Call – none.

Public Hearing Closed at 7:05 p.m.

REGULAR SESSION

MAYOR

John R. Kapp

ATTORNEY

John Arledge

COUNCIL

James Shepard, Vice Mayor

Mary Lou Scarbrough, PC Liaison

Dottie Leonard, ARB Liaison

Timothy Jasionowski

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Thomas Utz, Police & Building Official Liaison

Mayor Kapp opened the regular session of the Town Council meeting at 7:30 p.m.

Minutes of April 3 meeting

Vice Mayor Shepard moved to approve with corrections noted, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Leonard, Mohr, Utz. Nays: None. Abstain: Jasionowski. Motion carried by 5/0 vote.

Treasurers' Report

Mayor Kapp submitted a \$100 donation to the museum fund raiser in honor of Shirley and Jack Kapp from Mr. Bernard Bolt.

First Virginia Bank general fund checking account beginning balance \$63,413.45, expenses for the month of April \$22,443.45, deposits for April \$19,782.75, ending balance April 30, 2000 \$60,752.75.

Unpaid Bills

Councilwoman Scarbrough moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Leonard, Jasionowski, Mohr, Utz. Nays: None. Motion carried by 6/0 vote.

Zoning Text Amendment

Section 12-162.1 drive through window – Councilman Mohr moved to approve except items (a), (e) & (f) Sec. 12-162.1, second by Councilman Utz. In discussion: Councilman Jasionowski states he has no problem with (a) and (e) but does with (f) as he would like some control. He suggests the special use require a 2/3 majority for approval. Councilman Jasionowski is willing to entertain a limited time. Atty. Arledge states local government can not regulate a different majority than the town charter. Councilman Jasionowski withdrew his amendment. Councilman Jasionowski suggests a ten year limit. Councilman Mohr states Sheetz manager told him they are not going to use the drive through window at their facility.

Vote: Yeas: Shepard, Scarbrough, Leonard, Mohr, Utz. Nays: None. Abstain: Jasionowski. Motion carried by 5/0 vote.

R-2 zoning district – cluster housing – six SFD per acre – Mayor Kapp states this has been to public hearing. The Planning Commission tabled this. Town Council directed the Planning Commission to recommend to Council within 60 days, pursuant to town code. Tabled.

New Business

Transportation Center West

Mayor Kapp informed Council and attendees of the Transportation Center West Prince William County School Board proposal. He states he has sent a letter to PWC Planning, Board of Supervisors and School Board.

Mayor Kapp asks for folks to sign the petition against this proposal. He would want a couple of hundred people to show up at the Board of Supervisors hearing on May 27, Wed., 7:00 p.m. Mr. Wheeler will get a letter from Greenhill Crossing Homeowner's Association for submission. Councilman Mohr asks if on May 17 they approve this, can we stop them until we get more support? Atty. Arledge states we have to do it before. Mayor Kapp also spoke to Gainesville Planning Commission member.

Councilman Mohr states once construction starts on Washington Street we will be tied up with traffic and also Nissan Pavilion traffic. Councilwoman Leonard states the reason the west end (of the County) is not treated justly is we have allowed it. The more people that show up will make a statement.

Business License

Elite Motors, 6707 Fayette Street #6 – Vice Mayor Shepard moved to approve, second by Councilwoman Scarbrough. In discussion: Councilman Jasionowski asks if the use of this facility transfers to the land or business. Atty. Arledge states use is for the property. Yeas: Shepard, Scarbrough, Leonard, Mohr, Utz. Nays: None. Abstain: Jasionowski. Motion carried by 5/0 vote.

Piedmont Environmental Council, 6640 Jefferson Street #3 – Councilman Jasionowski moved to approve, second by Councilwoman Scarbrough. In discussion: Councilwoman Leonard states she is concerned with no income (generated by this business) for gross receipts as we already have three non-profits, two of them in our center. Yeas: Leonard, Scarbrough, Jasionowski, Mohr. Nays: Shepard, Utz. Motion carried by 4/2 vote.

Kim, Piedmont Environmental Council, will get a copy of their bylaws.

Lovelace & Colville, CPA's, 6640 Jefferson Street #5 – Councilman Jasionowski moved to approve, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Leonard, Jasionowski, Mohr, Utz. Nays: None. Motion carried by 6/0 vote.

Country Accents, 15101 Washington Street, retail, change of use – Councilman Mohr says we have made other people in town pave their parking lot. Councilwoman Leonard states it needs to be paved since it was B-2. Councilman Mohr wants Council to send a letter to everyone in town who needs to pave their parking lot and he wants the attorney to determine about their parking lot.

Councilwoman Scarbrough moved to approve, second by Councilwoman Leonard. Yeas: Shepard, Scarbrough, Leonard, Jasionowski, Mohr, Utz. Nays: None. Motion carried by 6/0 vote.

15101 Washington Street - Use Grand-fathering

Councilman Mohr states he remembers Atty. Arledge states there is no time limit on grand-fathering. The ordinance passed in 1983, if use increased then paving requirements could be imposed. Change in use requires compliance, should have been paved at the rezoning of the property. You may require compliance at any time when discovered. Historical Commission is to look at and make a recommendation. Mr. Lowery states ordinance says parking lot must be paved, does not say driveway. Tabled.

Sign permit

Elite Motors, 6707 Fayette Street, #6 – Councilwoman Scarbrough moved to approve, second by Councilwoman Leonard. Yeas: Shepard, Scarbrough, Leonard, Mohr, Utz. Nays: None. Abstain: Jasionowski. Motion carried by 5/0 vote.

Construction Permit

Ryan Homes, Lot 3, 18th Century Haymarket, Fayette Street, Councilwoman Scarbrough moved to approve subject to address being submitted, second by Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Leonard, Jasionowski, Mohr, Utz. Nays: None. Motion carried by 6/0 vote.

Chezem, 6860 St Paul Drive, deck – Councilwoman Scarbrough moved to approve, second by Councilman Utz. Yeas: Shepard, Scarbrough, Leonard, Jasionowski, Mohr, Utz. Nays: None. Motion carried by 6/0 vote.

Bilaw, Mazzu, 6840 St. Paul Drive, deck - Councilwoman Scarbrough moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Leonard, Jasionowski, Mohr, Utz. Nays: None. Motion carried by 6/0 vote.

Smith, 6771 Madison Street, rear porch – Planning Commission approved. Councilwoman Scarbrough moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Scarbrough, Leonard, Jasionowski, Mohr, Utz. Nays: None. Motion carried by 6/0 vote.

Virginia Builders, Jelescheff, 6856 St. Paul Drive, deck, sunroom, finished basement – Councilman Jasionowski moved to approve sunroom and basement, not deck, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Leonard, Jasionowski, Mohr, Utz. Nays: None. Motion carried by 6/0 vote.

Landscape Plan

Leaberry, Shoppes at Haymarket, 15201 Washington Street – Councilman Jasionowski moved to approve landscape plan with caveat of proof of bond securing material, planting requirement, canopy coverage showing maturity of plants, second by Councilwoman Scarbrough. Yeas: Shepard, Scarbrough, Leonard, Jasionowski, Mohr, Utz. Nays: None. Motion carried by 6/0 vote.

Councilwoman Leonard commends Mr. Leaberry for a nice job.

Certificate of appropriateness

Dentil Moulding – three samples were sent in. MD 3062 is acceptable, block dentil moulding. Other preferred with narrower teeth. Greenhill Crossing dentil moulding style is not acceptable. Tabled.

Subdivision Plan

Mr. Ken Arnold, Key Investments, 14801 Washington Street, three acres – Mr. Arnold states he would like to subdivide the parcel to one acre (with existing house) and two acres in the back. It is a B-1 parcel, he has a buyer for the back parcel and the house would be used for residential or commercial. There would be an easement for the rear access through the current driveway, it would have to be paved. Mr. Arnold is not prepared at this time for a formal submittal.

Citizen's Time

Pam Stutz asked for a meeting with Council and engineers regarding the storm drain behind her house. There is a disagreement with Mr. Bolt and Burgess & Niple engineer. Council directs Mayor Kapp is to resolve issues without cost to the town.

Planning Commission

Comprehensive Plan Update – survey is in the works. Tabled.

Architectural Review Board

Workshop to plan brick planter boxes and landscape (beautification project).

Historical Commission

Chairman Crafton-Masterson reports the concert was almost a full house, they cleared approximately \$650. They sent out about 418 invitations.

They are scheduling another concert in October. Mayor Kapp suggests Pat Mulhern, maybe Pat and Roslyn Langlois could collaborate. Councilman Jasionowski suggests Mona Lisa (Haymarket Dry Cleaners) as she has a wonderful voice.

Councilman Mohr wants to replace the carpet in the caboose.

Building Official

Shoppes at Haymarket - VDOT representative is meeting with Leaberry & Mayor Kapp. Mr. Lowery says we need to be sure the sidewalk is in the state right of way, for no liability and no maintenance. Mr. Lowery and Mayor Kapp are to speak about fire hydrants inside the shopping center. He needs Mayor Kapp and VDOT engineer approval. VDOT wants a traffic light at the shopping center. Councilman Mohr doesn't think we need four lanes, it will be center turn land. George Cropp, Burgess & Niple wants confirmed the additional paving, a new width, on Washington Street as the street scape was designed with a narrower street width. Mayor Kapp has to check with VDOT.

Mr. Lowery would like Council to re-look at required footage of 3,000 square feet for commercial use except grocery store. Sent to Planning Commission.

Mr. Lowery would like to advise the PC the Bull Run Vet Hospital will submit a major renovation next month. It will be a second story addition, and additional parking out back, in a colonial style.

Business License – for future town hall, certificate of occupancy must be issued prior to business license approval. Councilman Jasionowski brought up car dealerships. Mr. Lowery should inspect prior to approval of business license.

Mayor Kapp says until we occupy the downstairs, a change of use, we don't have to upgrade the facility. Mr. Lowery states there are no valid businesses for over two years (for grand-fathering), the building is in non-compliance, even as an office space, with only one exit. Mayor Kapp states there is access to rear. Mr. Lowery says access has to be five feet wide, corridor to other stairway is only 29" wide, stairway must be enclosed – with a door at top of stairs. Mr. Lowery states there is no grand-fathering for BOCA code. Mr. Lowery says do not permit tenants to occupy until we make changes. If we break through walls we will have to put up fire rated walls and fire rated doors. Mr. Lowery asks who will do the work? Is tenant going to do fire prevention – if they change carpet it must be fire rated carpet. Mayor Kapp states we need to do some planning on the whole building. Councilman Mohr asked if we want to address these prior to contract. Councilwoman Leonard thought we were going to get a professional to tell us what is needed. We know about all these issues.

Councilman Mohr states he is frustrated, when we asked Mr. Lowery to do the inspection (and list requirements for code) it was to be for future use. Two reports were issued, one letter for all code requirements needed. That was to be done by Gossom prior to town purchase. Mr. Lowery states we are only requiring Gossom to come to code for what is there now, one office and two storage units. Councilman Mohr wants to know if the rest of the Council was under the understanding that the building would be brought up to code and we would be able to rent immediately. (1) The first Mr. Lowery request was based on (current) spaces leased and the town would do improvements to compare to the cost of a new building, (2) absolute unsafe and unsanitary conditions (all being done.)

Councilman Mohr states he would not have voted on this purchase if it was made clear Gossom would not be complying with all requirements.

Mr. Lowery needs Council to contact Chief Bird for a fire damage report on Pearson property. Mr. Lowery says they didn't write one. Mayor Kapp will call Chief Bird.

New Business

VDOT resolution – Councilman Jasionowski moved to adopt government incorporate streets in town of Haymarket, second by Councilwoman Leonard. Mayor Kapp states VDOT will take in Madison Street under 33.1-79 and they will fix it. Yeas: Shepard, Scarbrough, Leonard, Jasionowski, Mohr, Utz. Nays: None. Motion carried by 6/0 vote.

Town Hall Museum

Councilwoman Leonard states she went to Antioch Baptist Church and was struck with the similarity to this town hall.

Auction, July 8 at 10:00 a.m.

Carillion Bells - Mayor Kapp asks Council to consider purchase of carillion bells for town hall bell tower. Mayor Kapp will contact historic resources for in-kind contributions. Mayor Kapp asks Council to consider it.

Next Museum meeting May 8th.

Old Business

Spring Festival – Councilman Mohr recommends a person be in town hall during the festival to coordinate and trouble shoot. Councilman Utz suggests two way radios. Jackie Stackhouse offered to do organization of town booth personnel.

Mayor Kapp wants to know if we'll have a food booth. Scarbrough, Utz & Shepard volunteered for pizza table. Mayor Kapp will arrange for pizza to be set up. Councilman Mohr will get soft drinks. Vice Mayor Shepard volunteered to help with booth lay out. Need clean up people, trash, take down tent. Councilman Utz will help Saturday a.m. Councilwoman will get kids help.

Continuance

Scheduled for Monday, May 15 at 7:00 p.m.

Web Site

Councilman Mohr wants to secure Internet, unlimited, \$10-\$20 month. Allen Walker is gone. Councilwoman Scarbrough moved to approve \$10-\$20 per month, second by Councilman Mohr. Yeas: Shepard, Scarbrough, Leonard, Jasionowski, Mohr, Utz. Nays: None. Motion carried by 6/0 vote.

E&S Program Administrator

Proposal from Burgess & Niple for professional services at \$70 per hour. Councilwoman Scarbrough moved to approve, second by Councilman Mohr. Yeas: Shepard, Scarbrough, Leonard, Jasionowski, Mohr, Utz. Nays: None. Motion carried by 6/0 vote.

Recess

At 10:47 p.m.

CONTINUANCE MAY 15, 2000
REGULAR SESSION

MAYOR

John R. Kapp

ATTORNEY

John Arledge

COUNCIL

James Shepard, Vice Mayor (absent)

Mary Lou Scarbrough, PC Liaison

Dottie Leonard, ARB Liaison

Timothy Jasionowski

Douglas Mohr, Historical Commission Liaison

Thomas Utz, Police & Building Official Liaison

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

Business License

Four Winds Investments, 6640 Jefferson St., #4, office – Councilwoman Leonard moved to approve, second by Councilwoman Scarbrough. Yeas: Scarbrough, Leonard, Jasionowski, Mohr, Utz. Nays: None. Motion carried by 5/0 vote.

Unpaid Bill

Rickmond Engineering charged the town more than the town received for plan review. \$665 Shoppes at Haymarket, \$380 18th Century Haymarket, total \$1,045. The Town Clerk asks Council to consider raising the fee schedule to meet these expenses.

Councilwoman Leonard moved to pay the bill, second by Councilwoman Scarbrough. Mayor Kapp will check with them about the high cost of 18th Century Haymarket.

Spring Festival

Fourty Five spaces have been reserved, \$3855 has been donated, \$1795 Piedmont donated for a stage, \$2060 in cash donations. We will have pony rides, classic and antique cars (weather permitting), GVFD majorette group, cloggers, dancers, etc. Entertainment spots open at 2 & 3 p.m. Pizza sales at town hall parking lot, town table in Ayers lawn, bicycle safety on town hall parking lot. Councilman Utz asked if PC and ARB have been invited to participate. Scarbrough & Leonard stated no.

Mayor Kapp asked if anyone bought two way radios. No, Councilman Utz will bring his two.

Resignation – Mary Ruffo, Assistant to Treasurer

Effective May 20, 2000. She submitted a proposal to work as Events Coordinator, twenty hours a week from her home.

Mayor Kapp says we might consider Mary starting Haymarket Day at home.

Councilwoman Leonard asked how many hours it would take. Ms. Ruffo states 20 hours a week would do it. She thinks she would be in the office one day a week or every two weeks.

Booklet will be put together Thursday for Spring Festival.

Ms. Ruffo states the President's Cup has given the Historical Foundation two tickets for admission for the week. They will be raffled for \$50 per ticket, drawing on Haymarket Day. She states there are 20,000 tickets being sold for the President's Cup.

Museum

Mayor Kapp states there was not one Council member at the meeting last Monday. He asks all Council members to collect donations. We need to make up flyers. Mayor Kapp will ask Mr. Bolton where he has his made.

Spring Festival

Need folks to come at 4:00 p.m. to clean up.

ISTEA Grant

Zirk White, Commonwealth Transportation Board, will plug our grant.

Gossom Property

Settlement at 2:00 p.m. at Mayor Kapp's house.

Municipal Code

Sent changes to Tallahassee for review & draft. (Four outstanding issues have been sent to the attorney for comment.)

Web Site

Not up yet.

Beautification Project

No responses.

Zoning Text Amendment

Sec. 12-112 – Council Public Hearing held March 1, 1999. Changing 50% for apartments ancillary uses in commercial district. Councilwoman Scarbrough moved to approve, second by Councilman Utz. Yeas: Scarbrough, Leonard, Jasionowski, Mohr, Utz. Nays: None. Motion carried by 5/0 vote.

Police

Councilman Utz spoke with Sgt. Roop about flashing speed signs. He'll check if we can borrow from the County. Councilman Utz spoke to him about speeding in town. He'll give out speeding tickets.

ISTEA project

Councilwoman Leonard asked when we'll start the construction. Mayor Kapp states Friday is the bid meeting, two contractors and Burgess & Niple engineer. Bids close May 22.

Gas Leak

Mayor Kapp says there was a gas leak last week. He will call Columbia Gas about replacing pipes when the street is being dug up. Councilwoman Leonard asks he check on Madison Street while they are improving that.

New Business

Four R's

Mayor Kapp talked to her she says she would like to explore having a 12'x20' area to establish another learning center. Councilman Utz is concerned with safety issues.

Petition

Transportation Center West – Mayor Kapp states he has 395 signatures regarding the school bus transportation site. Mayor Kapp says 240 busses is at a build out of the new schools – right now it would be about 100 busses. Board of Supervisors meeting 7:30 p.m. Tuesday, Planning Commission 7:30 p.m. Wednesday.

Caboose

Councilman Mohr states he spent \$149 in paint, someone stole the paint and brushes , plus \$77 in brushes – needs \$226. total. Councilwoman Leonard moved to reimburse Councilman Mohr \$226, second by Councilwoman Scarbrough. Yeas: Leonard, Scarbrough, Jasionowski, Utz. Nays: None. Abstain: Mohr. Motion carried 4/0.

Sunshine Law

Councilman Jasionowski recommends adopting “Disclosure & Non-Disclosure...” ordinance as presented, second by Councilwoman Leonard. Mayor kapp says he thinks this came about in that someone accused him of being on the take with the developers. Atty. Arledge states he has never seen this in a town. Tabled to June meting. A public hearing is required. Yeas: Leonard, Jasionowski,. Nays: Mohr, Utz, Scarbrough. Motion failed.

Town Manager – no budget.

Bond Agreement – Performance Bond new forms

Councilman Jasionowski moved to adopt as proposed, second by Councilwoman Scarbrough. Councilman Mohr would like to table for review. Councilwoman Leonard called for the vote. Yeas: Scarbrough, Leonard, Jasionowski, Mohr, Utz. Nays: None. Motion carried by 5/0 vote.

Siltation & Erosion Control Agreement form

Change to “Erosion & Siltation Control.” Councilman Utz moved to adopt with change, second by Councilwoman Scarbrough. Yeas: Scarbrough, Leonard, Jasionowski, Mohr, Utz. Nays: None. Motion carried by 5/0 vote.

Red House Inn building

Councilman Utz would like to mention about the air conditioning with no panel cover on it at Red House Inn building. The exposed wires present a safety issue. He told Jim Lowery months ago and has seen no action.

Quarles

Fast food restaurant in B-2 zone.

Industrial use in B-1 zoning

Planning Commission handling.

Washington Street reduced speed to 25 mph

Mayor Kapp states he received a VDOT letter stating they will not lower the speed limit. He spoke with Wm. Parman & Helen Cuervo who said they won't do it. Atty. Arledge states there is a code section that talks about business district but state gives VDOT authority to regulate speed. Atty. Arledge states the town would have to pay for an engineering study which is expensive.

Gossom property

Mayor Kapp states we may want to pass an ordinance for “no protestors.” Atty. Arledge says you would add something to your parade ordinance.

Greenhill Crosing dry pond fence

Mayor Kapp asks if GHC got a fence permit for the dry pond. Town Clerk says no, it was on the original plans. Adjoining property owners want to put up a fence and GHC fence is one foot from the property line.

Historical Foundation Pop corn machine

Mayor Kapp wants to buy a T2000 model pop corn maker. It is \$1735 less 10% discount and \$120 shipping. Councilman Utz thinks it is a great idea. Councilwoman Leonard moved to purchase, second by Councilman Utz. Yeas: Scarbrough, Leonard, Mohr, Utz. Nays: Jasionowski. Motion carried by 4/1 vote.

Correspondence

Mecklenburg County supervisors resolutions to the general assembly 1% retail sales tax increase for localities. No interest from Council to support this.

Closed Session

At 8:40 p.m. Councilwoman Scarbrough moved to go into closed session pursuant to 2.1344.1&7 for personnel matters for Clerks position and legal copyright infringement, second by Councilman Utz. Yeas: Scarbrough, Leonard, Jasionowski, Mohr, Utz. Nays: None. Motion carried by 5/0 vote.

At 10:00 p.m. Councilwoman Scarbrough moved to go out of closed session and into regular session, certifying no matters other than personnel and legal were discussed, second by Councilwoman Leonard. Yeas: Scarbrough, Leonard, Jasionowski, Mohr, Utz. Nays: None. Motion carried by 5/0 vote.

Historical Commission

Councilman Mohr moved that Historical Commission pictures, articles, items for the museum, they maintain rights to use and permissions of items release use or approval of use of, second by Councilwoman Leonard. Atty. Arledge states the Historical Commission has no authority to sell. Council can change their mind at any time.

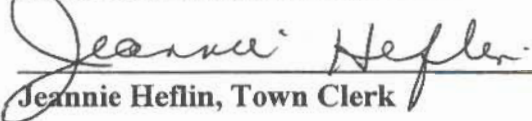
Yeas: Scarbrough, Leonard, Jasionowski, Mohr, Utz. Nays: None. Motion carried by 5/0 vote.

Councilwoman Leonard says in light of this the receipt should say items are in full control of Historical Commission. Mayor Kapp states the Historical Foundation is the received for a tax write off. If donated to Commission there is no tax write off. Mayor Kapp asked if the Historical Foundation can give authorization to the Historical Commission. The Historical Foundation was also formed so that the Historical Foundation will have ownership and control of materials.

Adjournment

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

RESPECTFULLY SUBMITTED:


Jeannie Heflin, Town Clerk

APPROVED:


John R. Kapp, Mayor