

**TOWN OF HAYMARKET, VIRGINIA**  
Chartered 1799  
County of Prince William

**HAYMARKET TOWN COUNCIL**

**July 7, 1997**

**MAYOR**

**John R. Kapp**

**ATTORNEY**

**Martin Crim**

**COUNCIL**

**James Shepard, Vice Mayor**

**Mary Lou Scarbrough**

**Dottie Leonard**

**Bob Seffinga**

**Mark Branca**

**Richard Bird (absent)**

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Mayor Kapp called the regular session of the Haymarket Town Council to order at 7:30 p.m.

**Minutes of May 5, May 19, June 2 and June 16, 1997**

Vice Mayor Shepard moved to dispense with the reading of the minutes and approve the minutes with corrections noted, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

**Police Report**

Sgt Bockey reported in the month of June there were 142 traffic citations (70 of which were town tickets), 4 arrests and 2 reports, and 25 calls. On July 2 Officer Roop made an arrest for DWI/reckless driving on a Florida fugitive. Sgt Bockey reports he applied for a \$1500 mini grant to upgrade the computer system. The '97 Ford is ready except the bar light. The '89 for sale has received several bids, the highest to date being \$1200.

Sgt Bockey reports he has expended some of the funds the Mason's gave his department for children's program. Sgt Bockey will present "Police are your Friend" to the Back 2 Basics day care group.

Mr. Bear states at the end of Madison Street there is a blue car speeding with dual exhausts that are very loud. Sgt Bockey said he will look into that.

**Treasurers Report**

First Virginia Bank operating account balance \$73,521.93.

**Unpaid Bills**

Councilwoman Scarbrough moved to approve, seconded by Councilwoman Leonard. Motion carried by unanimous roll call vote.

**Business License**

F& S Auto Sales, Mohammad Nijab and Esmail Bahnam, 14950 Washington Street #105 -

Councilwoman Scarbrough moved to approve, seconded by Councilman Seffinga. Motion carried by unanimous vote.

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All Type Auto, 14850 Jordan Lane, name change only - Councilwoman Leonard moved to approve, seconded by Vice Mayor Shepard. Motion carried by unanimous vote.

**Sign Permit**

F & S Auto, 14950 Washington Street, #105 - Councilwoman Leonard moved to approve, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

First Baptist Church, 14901 Washington Street, pre-approved menu sign - Councilwoman Scarbrough moved to pre-approve and waiver the permit application fee, seconded by Councilman Seffinga. Motion carried by unanimous vote.

**Building Permit**

J2 Construction, 6877 Jockey Club Lane, Section 2, Lot 12, Greenhill Crossing, deck - Councilman Branca moved to pre-approve and send to PC, seconded by Vice Mayor Shepard. Motion carried by unanimous vote.

Jack Kapp, 14947 Madison Court, fence - on west side of the lot, board on board 6' tall. Councilwoman Leonard moved to refer to the ARB, seconded by Councilman Branca. Motion carried by unanimous vote.

Ryan Homes, Section 2, Lot 7, 6897 Jockey Club Lane, HTC Ravenwood to Chandler B - Councilman Branca moved to pre-approve and send to the PC, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Ryan Homes, Section 2, Lot 18, 6896 Jockey Club Lane, Chandler B - Councilwoman Scarbrough moved to pre-approve and send to PC and Building Official, seconded by Councilwoman Leonard. Motion carried by unanimous vote.

Ryan Homes, Section 2, Lot 48, 6955 Jockey Club Lane, HTC Ravenwood to Rosemont C - Councilman Branca moved to pre-approve and send to PC, seconded by Vice Mayor Shepard. Motion carried by unanimous vote.

Ryan Homes, Section 1, Lot 3, 14794 Greenhill Crossing Drive, temporary sales trailer - Councilwoman Leonard moved to refer to PC pre-approved, seconded by Vice Mayor Shepard. Councilwoman Leonard amended her motion to include "for up to 120 days" seconded by Vice Mayor Shepard. Motion carried by unanimous vote.

Moss, 14908 Greenhill Crossing Drive, finish basement - Councilwoman Leonard moved to pre-approve and send to Building Official, seconded by Councilman Branca. Motion carried by unanimous vote.

Nalls, 6781 Madison Street, enclose carport for office, bathroom and den - Councilwoman Leonard moved to refer to PC, Building Official and ARB providing applicant submit additional information needed for PC & Building Official, seconded by Councilman Seffinga. In discussion Councilman Seffinga asked if we can pre-approve providing these things are submitted. Councilwoman Leonard is hesitant to pre-approve without proper submittal. Councilwoman Leonard withdraws the motion, Councilman Seffinga withdraws the second. Councilman Seffinga moved to pre-approve for review with consideration applicant must provide

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adequate submissions including a house location for PC, ARB & Building Official, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Old Bank Cafe, conceptual plan approved in May - handicap parking space is located on the lot, one of two windows upstairs will be changed to a doorway for a back stair case. Plans are for the shell of the building, interior will be submitted when a tenant is chosen. Councilman Branca states a site plan has not been submitted and the code requires a site plan for submission. Tabled to Monday, July 14 at 7:00 p.m.

**Subdivision**

Century Stair, 15175 Washington Street, subdivision to five lots, Donald Costello, applicant Site Plan submitted, subdivision requirements must be met for transfer of property or development - neither is being done at this time - sewer easement has been extended to the south boundary - if there are any problems with water or sewer the owner is responsible. Councilman Branca states he spent at least four hours with Attorney Steketee.

Applicant states he has addressed the adequacy of water and sewer on the lots. Steketee states in his letter since there is no intention to develop the lots applicant does not have to prove water and sewer capability. That part of the subdivision ordinance does not apply, states Mrs. Contrucci.

Councilman Branca states the issues were in the subdivision ordinance, "public water and sewer shall be provided to all lots." "No subdivision shall be approved without adequate water/sewer supply."

Councilman Branca states he is concerned in 1992 the Health Department was concerned with inadequacies. The original septic was approved for five employees, now there is 80 employees.

Mr. Contrucci states Attorney Steketee states the improvement section is not applicable. Mr. Contrucci has identified on the plat that this subdivision is not to transfer ownership or building development there is none intended. In the event of failure of sanitary sewer property owner shall be responsible for repair or connect to public sewer.

Atty Crim states if the transfer occurs they would have to do the improvements, if it goes to foreclosure there will not be the funds to do the improvements. Atty Crim states the statement on the subdivision plan protects the town for the improvements.

**Councilwoman Leonard moved to approve the subdivision, seconded by Councilman Branca.** Councilman Branca states comment #12 has not been addressed. He states the PC recommended approval pending the concerns in the comment letter of April 27, 1997 be addressed. Councilman Branca asked to have the plans earlier so he could review the plans prior to the meeting. Mr. Contrucci states Atty Steketee stated the note on this plan is accepted for written deed of subdivision and easement. Councilman Branca states he has not had one conversation (with Atty Steketee) since the April 27 comment letter. Atty Crim asked when the subdivision plat was prepared. July 2 surveyor stamp. Atty Crim asked if Contrucci spoke with Atty Steketee after that date. Atty Crim states Atty Steketee left town mid day on July 3 and he does not feel Steketee saw the plan. Councilman Branca states the sole purpose of Councilman Branca and Atty Steketee discussions was water/sewer issues. Contrucci states he spoke with Steketee about all issues on the comment letter and Steketee was comfortable with all issues.

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Atty Crim states he feels sure Atty Steketee was referring (in his letter) to legal issues not the technical issues. Letter (fax) May 1, 1997 the towns discussion with the attorney was water and sewer only. Atty Steketee was forwarding July 2 statement to Councilman Branca and Mr. Contrucci.

Councilman Branca states he agrees on the issue of water and sewer - those were primary concerns for legal interpretation - comments 14 and 15 what is at issue now is all the comments other than the water/sewer. Councilman Branca states items 1 - 7 have been addressed, #8 commentary letter by Mr. Price refer to two wells - there is no indication of the second well for easement purposes.

Atty Crim states only issue Smith & Davenport was asked to look at individual parcels not developable - the town could approve the subdivision. Atty Steketee does not have that authority. Mayor Kapp states when he talked to Atty Steketee the easements extended - ingress/egress addressed. Mr. Crim read notes from Pete that only addresses the legal issue he was asked to address. Councilman Branca states there are minor issues not clarified. Where is the second well? Is it providing drinking water to any of these lots? If so it must have an easement. Mr. Contrucci states this is a division plat not a development plan. Mrs. Contrucci states the second well is not used. Councilman Branca states if an additional note be put on the plat all existing water and sewer services have adequate easement to repair service for lots two (2) and four (4). Is the existing sewer in that easement line? Mrs. Contrucci states there is a 20' sanitary sewer easement. They have drawn for the drain field to be included in the easement.

Councilman Branca states from old plans he is not sure the drain field is in the right spot. Mr. Contrucci states the water/sewer maintenance commitment runs with the land if it fails the property owners have to repair it or connect to public utilities at the owners cost.

Councilman Branca's concern is if property transfers there is not a demonstration of easement for repair of utilities. Water service for lot 2, where is it? Do they have ability to repair it if it fails? There is not a specified easement. Councilman Branca wants a 10' easement for water/sewer repair. Mr. Contrucci states if the property owner can not get an easement access to repair his water line he has to connect to public water.

**Councilwoman Leonard called the question. Vote: approved by 4/1 vote - Councilman Branca opposed.**

Councilwoman Leonard states she appreciates Councilman Branca's efforts. Mr. Contrucci reiterates her statement.

#### **Citizen's Time**

Carolyn, of Ryan Homes, asked where her three permits are for the town houses at Greenhill Crossing. Plans and permits were submitted weeks ago. Mayor Kapp states the Building Official will be back Monday, his daughter is fielding calls until he returns.

Mrs. Myers asked about the Greenhill Crossing railroad fence. Has anyone gotten in touch with the railroad. Councilman Bird is not present - the Mayor will check with him about the railroad contact.

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Mr. Duckett asks what can be done about the three boats parked on Hunting Path Road. Atty Crim states the City of Manassas has an ordinance against it citing traffic problems. Mr. Duckett also cited speeding on Hunting Path Road. The Town Clerk says there is no posted speed sign on Hunting Path Road approaching the town houses.

#### **Rezoning**

EAB Enterprises - approx. 5.5 acres C-1 to I-1 - Mrs. Via presented a preliminary staff report with draft issues. She will see the Planning Commission Tuesday night. EAB wishes to build a construction/farm equipment sales and repair facility. Mrs. Via asks the Council to look at B-2 uses also as they are allowed in I-1. The principal issue is that this use is not consistent with the comprehensive plan therefore the comprehensive plan would have to amended concurrently.

Compatible land use, they are appropriate on eastern boundary, western adjoining in Prince William County would remain as is. Applicant asked to limit rezoning to 4 acres north of the creek, south of the line would remain in conservation. Uses in I-1 or B-2 - would like applicant to proffer out, Mrs. Via suggests, light manufacturing use of toxic materials used in process - there is some disagreement on what uses are being proffered out.

Jim Pickens of BDE, representing Mr. Phares, presented response to Mrs. Via's and Councilman Branca's comments. Mr. Pickens left information for Council to review before the public hearing and spoke with people to get feed back on issues. EAB would develop above the RPA buffer - would develop only the four +- acres, the remainder would remain in C-1 district. Part of the proffer package - with storm water management included with BMP pond, FEMA area outside the flood plain not the flood way. Applicant would like to level with fill to make a level developable area. The topo survey is being compiled now. Atty Crim asked the year of the FEMA map, 1995 was the reply. Water/sewer - proffer to connect to public utilities. Transportation - RR crossing 12-15' wide they will look at travel area and safety to provide an emergency access should crossing be blocked. Atty Crim asked about crossing over stream - culvert crossing is there now, replied Mr. Pickens. Applicant would make a contribution to Police, Fire and Rescue. Water quality - Chesapeake Bay BMP - silt control - 100' buffer, there is a provision in the ordinance to reduce to 50', could be done but applicant agrees to keep in 100' buffer. Preservation and restoration of the North Fork Creek in present state there is no need to address. Industry a plus to the town without burden of schools/services to residents. 5B Atty Crim in regard to underground storage tanks - federal law regulates - that does not belong in a proffer statement. Mr. Pickens states applicant would like to keep the door open for fuel storage tanks as may be needed. Potential use availability requested. Heavy equipment is the definite use. Mr. Phares doubts there will be fuel storage tanks.

5B - fill port area will drain to grassy area or paved area. Oil and grit separator needed. Councilman Branca states large percentage of spills is overfill. Uses proffered out, those considered dirty or not containable with hazard material. Only uses identified are blacksmith, welding/machine shop (indoor use), B-1 zoning includes these.

Councilman Branca asked would they subdivide the residence, no it would remain C-1 was the answer.

Councilwoman Leonard asked if the applicant is aware the historic district overlay covers the entire town? How have they addressed the aesthetics of the facility. Mr. Pickens states from

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Washington Street the topo falls off - existing industrial buildings screen half the site already. They can look at visual impact from Washington Street. Possibility the top of the building may be visible now but once the front property is developed it will probably not be visible.

Atty Crim asked Mr. Pickens what traffic they expect. Mr. Pickens states less than 100 trips per day.

Councilwoman Leonard asked if there will be heavy equipment in and out of Washington Street. It will be accessed behind the Sheetz and proposed shopping center. Councilman Branca asked when LeaMac develops would owner ask for access to Route 55 through that property? Mr. Phares states he doubts the property owner would grant it. Councilman Branca states Council may want to limit heavy equipment access to Route 15. Councilwoman Leonard asks if applicants is saying the property is not visible from Routes 55 or 15. No, just Route 55, was answered probably will only see roof tops from Rt. 55. Councilwoman Leonard asked if anything that will be visible will have a colonial look or be screened with greenery. Mr. Pickens will evaluate if you can see into the property and what the visual issues will be before he comments to a proffer. Mrs. Via states the ARB will have to approve any buildings. Mr. Pickens replied if you aren't going to see it he doesn't want to belabor Mr. Phares with expenses.

Councilman Seffinga states unless they build a three story building it will not be viewed and the ARB does not look at anything not visible from the street. Mr. Pickens states he will do siting drawings when the site plan is submitted.

**NEW BUSINESS**

18th Century Haymarket - VDOT resolution - land use permit manual. Mayor Kapp states every jurisdiction has this resolution except Haymarket. Mr. Bolt has a bond, he wants to do construction in the VDOT right-of-way, this resolution insures the insurance is in place for construction in the right-of-way. Atty Crim states this asks whoever does the road cut pays for it. This will be for everyone from now on.

18th Century Haymarket would pay for this insurance and name VDOT & the town as co-insured. Councilwoman Leonard states we will be meeting with an insurance person Friday at 9 a.m. Councilwoman Leonard asked if the moment this is adopted can Mr. Bolt move forward. Yes, was the reply. Councilwoman Leonard moved to adopt the resolution the Town of Haymarket will be named in the blank spaces as of this date, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Councilman Branca asked if the BDE E&S contract is acceptable. Mr. Bolt states yes, he will get it signed.

Town Clerk request to attend International Institute of Municipal Clerks - the Town Clerk has received a scholarship from VMCA for \$395 which covers registration fee. Councilwoman Leonard moved to pay the \$300 for hotel, plus \$120 travel expense, with a cap of \$500 total, seconded by Councilwoman Scarbrough. Motion carried by unanimous roll call vote.

Liability Insurance meeting - Sam Graham of Dejarnette & Paul of Richmond will meet at the Town Hall with Councilwoman Leonard at 9 a.m. Friday.

**HAYMARKET TOWN COUNCIL July 7, 1997****Planning Commission**

**ISTEA** - FI Plans - Councilman Branca states VDOT submitting plans tomorrow - BD&E Invoice contrary to what we talked about - he will get with Mike Gordon by next week.

**Architectural Review Board**

Councilwoman Leonard reported last month they looked at the sign permits from Coalition Against Hunger stating fees were waived on non-profit status and when the application came before the ARB the vinyl lettering was not approved. The sign came in with reference to adult video as donor - that could be a problem with the waiver of fee. Councilwoman Leonard mentioned the controversy of the donor and applicant states she doesn't care. There has been two articles in the Journal Messenger mixing church and state issue. Churches and civic organizations have supported the Coalition. St. Paul's has withdrawn the use of the Parish Hall for the monthly dinners. Mayor Kapp asked Atty Crim if we have the right to dictate what the sign says. Atty Crim replied no.

Councilman Seffinga asks since the town has not in the past allowed advertising off premises signs and we have in the ordinance we have a "no off premises signs" and we have not allowed this in the past do we not have a precedent? Councilwoman Leonard asks if we deny the sign due to inappropriate materials can we withdraw the waiver for the fee, yes was the reply from the Atty.

**Historical Commission**

**Lafayette Day** - Mrs. Turner stated her commission is sending out 1500 letters to people in Haymarket with street enhancement letters and notices about Lafayette Day. They are going on with the picnic. Money will go the foundation for ISTEA improvements. There will be a live auction at Lafayette Day.

**Bicentennial** - Mrs. Turner states "we're not there yet."

Mayor Kapp reports the historical foundation has \$21,500 for purchased enhancements, \$3200 will be billed, there is a CD of \$5,000 and a CD for \$6,726.83, cash of \$9865.18 in a savings account, plus \$346.50 total \$21,938.51. There is \$3600 seed money from fund raisers.

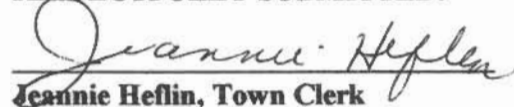
Mayor Kapp says the town will probably have to pay \$100,000 for our share - VDOT maintenance is budgeting the overlay of the asphalt to pave the street.

**Town Clerk request to attend summer tour farmers market** - Councilman Branca moved to approve the \$30 registration fee with a \$50 cap, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

**Recess**

at 11:20 p.m. Councilman Seffinga moved to continue to Monday, June 14 at 7 p.m., seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

**RESPECTFULLY SUBMITTED:**

  
Jeannie Heflin, Town Clerk

tc797

**APPROVED:**

  
John R. Kapp, Mayor

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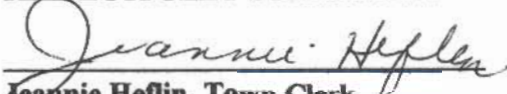
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