

TOWN OF HAYMARKET, VIRGINIA
Chartered 1799
County of Prince William

TOWN COUNCIL

June 2, 1997

MAYOR

John R. Kapp

ATTORNEY

Peter Steketee

COUNCIL

James Shepard, Vice Mayor (absent)

Mary Lou Scarbrough

Dottie Leonard

Bob Seffinga

Mark Branca

Richard Bird

Mayor Kapp called the regular meeting to order at 7:30 p.m. The Reverend Bruce Wilder led the Council in prayer. Mayor Kapp announced Rev. Wilder is leaving Haymarket soon.

Police Report

Sgt Bockey reported there were 74 citations in May, one criminal arrest, and five reports filed. He states there were no problems with the carnival recently. The '89 vehicle is in Manassas being stripped. The Universal Hiring Program grant for the third officer deadline is August 1. He's contacted the Mayor and Police Chief in Frederick County for information. The grant is for three years which pays for 75% of the expense of an officer. The grant is effective after the officer is hired. Sgt Bockey requests a full time officer. Mayor Kapp states the Council will go into executive session at the end of the meeting to discuss this matter.

Sgt Bockey asked if the Council wants him to handle the sale of the '89 vehicle. Councilwoman Leonard suggested he give Council ideas and any offers that come in. Sgt Bockey states he has a \$1000 offer. Mayor Kapp suggested he call the cab companies after the car comes back. Tabled to July.

Treasurer Report

The Treasurer reported an operating account balance of \$95,629.29.

Unpaid Bills

The Treasurer reported no unpaid bills not budgeted.

Building Permits

Dollie Phillips, 14893 Greenhill Crossing Drive, deck - Councilwoman Leonard moved to send to PC & Building Official pre-approved, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Ostrovecky, 6921 Jockey Club Lane, deck - Councilwoman Leonard moved to send to the PC and Building Office pre-approved, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

J2 Construction, 14912 Greenhill Crossing Drive, deck - Councilwoman Leonard moved to send

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to the PC and Building Office pre-approved, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

US Home, 6885 Jockey Club Lane, Section 2, Lot 10, Avalon C - Councilwoman Leonard moved to send to PC & Building Official pre-approved, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

US Home, Section 2, Lot 12, 6877 Jockey Club Lane, Brittany D - Councilwoman Leonard moved to send to PC & Building Official pre-approved, seconded by Councilman Branca. Motion carried by unanimous vote.

US Home, 14881 Greenhill Crossing Drive, Section 2, Lot 62, Birchfield - Councilwoman Leonard moved to send to PC & Building Official pre-approved, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

US Home, 14912 Greenhill Crossing Drive, Section 2, Lot 25, finish basement - Councilwoman Leonard moved to send to PC & Building Official pre-approved, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

US Home, 14912 Greenhill Crossing Drive, Section 2, Lot 25, house type change to Birchfield - Councilwoman Leonard moved to send to PC & Building Official pre-approved providing site plan approval, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote,

US Home, 6934 Little John Court, Section 2, Lot 29, Avalon D - Councilwoman Leonard moved to send to PC & Building Official pre-approved, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Sheetz - 15315 Washington Street, addition - for seating area. Councilwoman Leonard moved to send to the PC, Building Official and the ARB pre-approved providing application meets requirements, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Sheetz - 15315 Washington Street - drive thru window - Councilwoman Leonard moved to send to the PC and Building Official pre-approved, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Sign Permit

Coalition Against Hunger sign #1, 15000 Washington Street (wall sign) - Councilwoman Leonard moved to send to the PC and ARB pre-approved and waiver the fee, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Coalition Against Hunger sign #2, 15000 Washington Street (door sign) - Councilwoman Leonard moved to send to the PC and ARB pre-approved and waiver the fee, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Mullins Volvo, 15175 Washington Street - Councilwoman Leonard moved to send to PC & ARB pre-approved providing it meets requirements, seconded by Councilwoman Scarbrough.

Building Permit

Mullins Volvo, sign, 15175 Washington Street - footers for sign. Councilman Seffinga moved to

pre-approve for free standing to PC, seconded by Councilwoman Leonard. Motion carried by unanimous vote.

Rezoning Application

EAB Enterprises, Rex Phares, 15221 Washington Street - parcel south of the railroad track in conversation district. FEMA has redone the 100 year flood plain map and removed part of this parcel from the flood plain. The request is for rezoning approx. 5.5 acres of the 9.6 acre parcel from C-1 (Conservation District) to I-1 (Industrial District.)

Councilman Seffinga asked if the whole parcel was rezoned does the federal law limit development of the flood plain area. Yes, there are restrictions was the reply.

Ms. Via states we may want to consider amendment to the comprehensive plan concurrently. Councilman Branca states we haven't come up with a procedure. Councilwoman Leonard moved to send to the PC and staff planner. Ms. Via states if there are questions they will come in at the public hearing.

Council scheduled a public hearing for July 7th at 7:00 p.m. for the rezoning application the comprehensive plan amendment.

Citizen's Time

Mrs. Leake asked when the BZA meeting will be held. June 19th is the scheduled date.

Mr. Bear can not hear Councilman Branca, Councilman Seffinga or Councilwoman Leonard as the microphones are set too low. Mr. Bear states a tree trimming company dumped a pile of shredded trimming on Madison Street on the state right of way next to the Milhous property. He asks if we have to pay more to Mr. Bean for the twice weekly trash pick up. He was told the town is paying less for the two pick ups than was paid formerly for the once weekly pick up.

Building Official

Mayor Kapp read Mr. Gary Eddy's letter of resignation which is effective June 6, 1997. Mr. Jim Lowery, a Fairfax County building department and Mr. Bob Atkins expressed interest in the Building Official position. Council scheduled interviews for Monday, June 9 at 7:00 p.m. at the Town Hall.

Planning Commission

Councilman Branca reported at the last PC meeting they reviewed the Special Use Permit application and zoning text amendment for the drive thru window for Sheetz. He states the Planning Commission moved to deny both the special use permit and the zoning text amendment.

Code Review

Mayor Kapp contacted Ms. Via about discrepancies in our Code. Ms. Via, the Town Council and Planning Commission discussed Commercial District discrepancy with the B-1 a higher use than the B-2. Ms. Via estimates it will take 30 hours at the standard rate (\$30 per hour) which includes the ordinance recommendations for landscape and development ordinance to be submitted by July meeting. Two lists (1) those ZTA can be done quickly for August hearing and (2) those of a policy nature to discuss at a work session. Councilman Branca moved to employ

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Ms. Via for code review and draft landscape ordinance at the standard rate not to exceed \$900, seconded by Councilwoman Leonard. Councilwoman Leonard states she does not want the ordinance amendment to include fast food restaurant. Ms. Via states the Council did that tonight. Motion carried by a unanimous roll call vote.

ARB

Councilwoman Leonard presented the street scape drawing by Mr. Foley.

Historical Commission

Mrs. Turner states for Lafayette Day there will be a picnic outdoors weather permitting at the Gainesville Elementary School, with the St. Paul's Parish Hall as a back up, on July 26. She is awaiting response from the alumni of the old school.

Old Business

Fence at railroad - Greenhill Crossing - Councilwoman Leonard states the ARB recommended to Council to ask H/P Companies to take the fence down due to it being in violation of town ordinance, no application was submitted, the appearance is not good. Ms. Stutz, an H/P representative, states they plan to plant trees in front of the fence. The residents feel the material is not going to hold up and the HOA will have to replace the fence. H/P will knock off the pickets if that would be more acceptable. Bob Wulffe states it wasn't permitted which was an error on their part. The duty of the fence was safety to keep children off the tracks. Mrs. Edwards says if safety is the issue one section of the fence has been down for a month. Brian Harris (of H/P) has stated he will repair it and doesn't. Mrs. Edwards states it is not an approved fence for the town or the HOA. Mr. Wulffe states is not an adjacent fence to property as it is beyond a buffer.

Councilman Bird states the fence was established all along the railroad to keep the livestock off the track. Councilman Branca states it looks like an existing fence the surveyor picked up on. There is no fence proposed on the railroad track for Section 9.

Mr. Myers states his property backs up to the railroad and he agrees with H/P on the safety factor and its deterrent to children to access the track. Mrs. Myers thinks the residents can get together with H/P and come up with an agreement. If H/P takes the fence away what do they do, she asks.

Mr. Wulffe states H/P wants a fence on Section 9 along the track and they will apply for it and comply with ARB regulations. Mrs. Leake says since the posts are there can't the Council make them put up the proper fence all the way.

Councilman Branca states they have heard our conversations with Liz Via that we have some holes in our standards and therefore our code does not allow us to tell them to erect a proper fence. Mr. Wulffe states he offers to make a compromise by cutting off the pickets and put in landscape. Mr. Wulffe states the stockade fence is a 15 year fence.

Councilman Bird asked what the difference in a board on board and stockade fence is. He suggests he contact Southern Railroad to request the railroad to help us with the cost of a fence that meets ARB standards. Councilman Bird will make the contact with the railroad to request they contact H/P.

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Councilman Branca states he walked that fence with an E&S person three weeks ago and there is a panel down near Sections 2 and 9 and there are some broken boards.

Budget

Change to budget - amendment of Mayor's salary - Councilman Branca moved to pay the Mayor \$500 monthly (\$6000 per year) to be paid at the first of the month, seconded by Councilwoman Leonard. Councilman Seffinga asked if Councilman Bird has any comment. Councilman Bird states he feels it is low, this job is going to get harder as the town grows. Councilman Bird thinks the town will be looking at a vehicle for the Mayor or Vice Mayor for town use. The Town Police car is at the disposal of the Mayor.

Councilwoman Leonard suggested budgeting funds for possible leasing of a vehicle. Mayor Kapp asked if we can do this without a public hearing. Attorney Steketee states we had a hearing, another is not necessary. Motion carried by a unanimous roll call vote.

ISTEA

\$1800 received from the Mason's for three more street lights. The current enhancement fund is at \$20,150.

BDE Invoice, page 1, application charge okay, horizontal alignment east to \$1500, west to \$1500, direct costs okay. Page 2 Councilman Branca has not compared to the contract.

Councilman Branca moved to pay invoice W73603, page 1 at \$5,868.54, tasks 9806-9810 consistent to project complete 75%, seconded by Councilman Scarbrough. Amended to 9800-9805-9810 & 1260 by Councilman Branca, seconded by Councilwoman Scarbrough. Motion carried by unanimous roll call vote. Councilman Branca recommended to table page 2 to June 9. Addendum #4 9840 cost is way over. Councilman Branca recommended not paying 9841.

Councilman Seffinga states our understanding was a fixed price contract and BDE would not bill work not performed. Councilman Branca would like to study this invoice. He feels 9841 work was not done. Tabled.

Tourism Advisory Council

Mayor Kapp asked for a volunteer to represent Haymarket at these meeting. Mrs. Edwards will consider this.

Railroad Alignment

Mayor Kapp states the fire battalion chief recommends it go north of Gainesville. Councilman Bird says they are trying to get the traffic problem solved. Mayor Kapp states Bob Marshall supports the I-66 line. Councilman Bird states it looks like the railroad merger will be accomplished.

Tax Collection - tabled.

Utility Tax

Amendment to ordinance (2) adding industrial. Public hearing scheduled July 7 at 7:00 p.m.

Website

Town Clerk presented the possibility that the Town create a website themselves, possibly

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sponsored by First Virginia Bank so the Town can control the website and sell links to local businesses to defray the monthly cost.

Eighteenth Century Haymarket - Mayor Kapp states VDOT requires a resolution from the Town. Atty Steketee to review.

Sovereign Immunity

Atty Steketee would like to do a 15 minute exercise at the next meeting.

Liability Insurance

Councilwoman Leonard is to check into raising the limit to \$1 million. Tabled to June 9.

Citizen's Time

Mrs. Bailey asks the Planning Commission who checks set backs in the field. Councilman Branca states when we look at the zoning ordinance PC will address architectural encroachments. He further states no jurisdictions check set backs, normally lenders check that.

Mrs. Bailey states if a homeowner who adds an addition claims they are 25' set back and they don't what happens. It is certified by the planner who does the plat, replied Councilman Branca.

Councilman Branca states the state of Virginia requires a certified surveyor to do a house location survey. Does the town want to require a house location survey to state it is in place at a cost of \$150. Councilman Seffinga maintains the building official should check that it is staked properly before anything is on the ground, forms should be checked. He feels this should be in discussion with the interview process for the building official.

There has been a report of rats in town, around the townhouses (Longstreet Commons). Councilwoman Leonard states they are in and around the old funeral home (Paxton Property). She states they are huge. She states the fence on the Paxton property came up at the Historical Commission meeting and they (the commission) would work with the Town Council.

Councilman Bird states the man in the yellow house was burning trash in a pit in the back. He suggests we notify Paxton, Lane, etc there are rats there. Councilwoman Leonard says we need to collaborate to get it all done at once. Councilman Bird states we haven't enforced mowing the field. Councilwoman Leonard states we should have him (Paxton) take the fence down.

Atty Steketee asked if it was one property. The answer was no there are several conditions there to harbor the rats. Atty Steketee states the town needs to give the owner the opportunity to do something about it.

The Town Clerk is to send a letter certified mail to the owners (Paxton, Lane, PW's Eatery, Dr. Weaver) that conditions exist and if they take no action the town will do something. Tabled.

At 10:45 p.m. Councilman Branca moved to go into executive session pursuant to Virginia Code 2.1344a.1 to discuss personnel matters, seconded by Councilwoman Leonard. Motion carried by unanimous vote.

Councilman Branca moved to go back into regular session at 11:10 p.m., seconded by

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Councilwoman Leonard. Motion carried by unanimous vote.

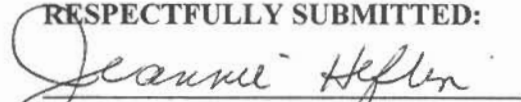
Councilman Bird states radios are \$2500 (portable) for police vehicles. By the year 2000 Prince William County will all be hooked up to the new radios. Two police car radios, 3 portable radios will be \$13,000 to equip.

Councilwoman Leonard submitted the painting by Creative Brush Studio. The owner wants to paint the Town Hall and Church and sell prints for resale.

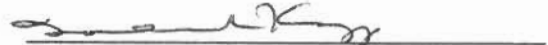
Recess

At 11:15 p.m. the meeting was recessed to June 9, 1997 at 7:00 p.m.

RESPECTFULLY SUBMITTED:


Jeannie Heflin, Town Clerk

APPROVED:


John R. Kapp, Mayor

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