

TOWN OF HAYMARKET, VIRGINIA
Chartered 1799
County of Prince William

HAYMARKET TOWN COUNCIL
May 19, 1997 continuation of May 5, 1997 session

MAYOR
John R. Kapp

ATTORNEY
Peter Steketee

TOWN CLERK
Jeannie Heflin

COUNCIL
James Shepard, Vice Mayor (absent)
Mary Lou Scarbrough
Dottie Leonard
Bob Seffinga
Mark Branca
Richard Bird (absent)

Mayor Kapp called this continuation of May 5, 1997 Town Council meeting to order at 7:05 p.m.

Drive thru window - Councilman Branca reported the Planning Commission recommended denial of the ordinance amendment, due to the concern of the approval of fast food use, by a 4/0 vote.

Councilwoman Leonard asked why the 30% (food sales percentage) does not eliminate the total fast food possibility in the future. Councilman Branca states the only hinge to eliminate it is the 30% maximum food sales. Councilman Branca states he wants to know the definition of a "fast food" restaurant. Attorney Steketee states he feels the 30% provision protects the town from fast food restaurant.

Vote: Councilwoman Leonard moved, with gratitude to the Planning Commission, to approve the ordinance amendment permitting a drive thru window in the industrial zone. seconded by Councilwoman Scarbrough. Motion carried by 3/1 vote. **For: Scarbrough, Leonard, Seffinga. Against: Branca.**

Conditions: (1) drive thru stacking space no more than 6 vehicles, (2) drive thru be located on the rear of the building, (3) no alcohol sales, (4) receipt of an annual summary of window sales and gross sales, with the renewal of the business license, (5) term of five years, (6) seating limited to thirty.

Special Use Permit

Sheetz Drive Thru Window - Councilman Seffinga moved, based on amendment of Section 12-162, to approve application for special use permit for Sheetz to put in a drive thru window providing special use requirements are met, seconded by Councilwoman Scarbrough. **For: Leonard, Scarbrough, Seffinga. Against: Branca.** Motion amended by Councilman Seffinga that no alcohol consumption is permitted on the property, seconded by Councilwoman Scarbrough. **For: Leonard, Scarbrough, Seffinga. Against: Branca.**

Citizen's Time

Mrs. Leake asked about the variance request for their property. Mayor Kapp states a Board of Zoning Appeals meeting is being scheduled.

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Business License

Judy Waterhouse, Class Act Design, 14891B Washington Street (behind Madison Parlour Shop)
- retail shop for custom window treatments, furniture and accessories. Councilwoman Leonard moved to approve, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Building Official

Mr. Gary Eddy, Building Official for the town, addressed the Council. Mr. Eddy requests to change his relationship with the town from an independent contractor to an employee.

Councilwoman Leonard states she feels Mr. Eddy is an independent contractor who was appointed as acting building official while John Berger became certified. Mr. Berger did not become certified and Mr. Eddy took over.

Mayor Kapp states eight years ago the state code mandated the town have a building official for 2500 people or more, if under 2500 population then a neighboring jurisdiction would take care of them. Mr. Eddy states there are a number of things in the code he is charged to do as a building official but he was hired to do inspections. Mr. Eddy states as of April 15, 1997 the building official shall keep records, shall write violations, shall initiate stop work orders. Mr. Eddy states he was not hired to pay for supplies and Town Council did not budget monies for it. Mr. Eddy states he is probably the only contracted building inspector in the state of Virginia.

Councilwoman Leonard asked what the typical inspection fee is in other places? Prince William County is \$37, Manassas \$50. He states PWC will go up to \$45. Councilman Branca states the Planning Commission has been looking at fees for inspections. He states new construction fees seem to be in line but alterations and improvements seem to be high, except for a deck.

Councilman Branca asked about Mr. Eddy's certification for electrical inspections. He states he asked at his training last week that if a one man shop has to have a master code certification. The answer was only his technicians would have to be certified.

Councilman Branca states BDE does not inspect on lot controls. Mr. Eddy states he has told BDE if there is a major problem with erosion and sediment controls he will send a stop work order upon their notice to him.

Councilman Seffinga asked who is responsible for set back requirements. Mr. Eddy states he is not. If the town wants to pay thousands of dollars for equipment he would reconsider. Councilman Branca states this is a zoning issue - should the town require a final house location survey. Councilman Seffinga states the footings should be checked for proper set backs. Mr. Eddy replied the builders engineer is supposed to check it. The builder is paying to have that done. Councilman Branca states a good surveyor should note to the lender the house does not meet requirements. Councilman Branca asked if the town wants a house location survey at what point would we want to see it?

Mr. Eddy suggests the town change the inspection fee to \$40 - \$30 to him and \$10 to the general fund which would cover supplies and monies for Mr. Eddy to attend class and administrative work.

Councilman Branca asked if Mr. Eddy does not want to do the administrative work? Mr. Eddy states from the liability aspect he does not have errors and omissions insurance. He would

rather be an employee. Councilman Seffinga asked what is Mr. Eddy's definition of an employee. Mr. Eddy replied he would be on an as needed status and paid at \$30 per inspection. Councilman Seffinga states if there is minimal inspections over a period of a year the income from the inspections would not cover the education expense.

Councilwoman Leonard states if the town adopts Mr. Eddy as an employee she would like it to be on a temporary one year term and examine after the year.

Attorney Steketee states the building official does not have to be the same person and if the town elects not to keep a building department the county shall do it for us.

Councilman Branca wants to know the hourly compensation and travel allowance for his time at classroom. Mr. Eddy responds \$25 an hour plus travel. Mr. Eddy states the code academy is mandatory once every three years, have to attend all three segments (1/2 day per segment) with a total of four days. Annually they like you to go for forty hours training but it is not required. Mr. Eddy states he has not heard back from the ISO in regard to the building department standing.

Mayor Kapp asked Mr. Eddy is he uses the education from these classes in his private business. Mr. Eddy answered no.

Councilwoman Leonard was asked to check into insurance (liability) coverage if the town employs Mr. Eddy.

ISTEA grant

Councilman Branca states in a VDOT meeting in regard to FI submissions the issue of funding came up. VDOT shot down the grant to cover storm water management. He is concerned every cost estimate goes up. The \$430,000 does not include easements, street lights or engineering (\$80,000.) Mayor Kapp will meet with the maintenance department of VDOT to try to get some money from them.

Councilman Branca asked Atty Steketee if the town gets easement for side walk over an underground fuel storage tank, is the town open to exposure. Atty Steketee states ownership is what determines the exposure.

May 28 final drawings are due and Mayor Kapp will go to each owner and ask for easements to be granted. Councilman Branca spoke with BDE about towns costs for ISTEA also 18th Century Haymarket erosion and sediment inspections (from \$8,000 to \$3,000.)

Councilwoman Leonard asked when the street improvements will be started. Mayor Kapp states February '98. He wants this phase to be complete by spring festival '98.

Councilman Branca anticipates Smith and Davenport will prepare all the deeds for easements. Utility poles that are in the right of way the utility company has to pay to move, for those out of the right of way we pay for. Mayor Kapp wants to discuss taking the utility poles from Washington Street to back behind the street frontage.

Employee Handbook

There were no comments or concerns voiced by the police department employees or the town clerk. **Councilman Branca moved to approve** with all leave accrual retroactive to January 1, 1997 and Page 12 of 4/7/97 strike off leave "annual and sick", page 4 item 3. Page 5 comp time strike "paid" add "one and one half", seconded by Councilwoman Leonard. Motion carried by unanimous vote.

Spring Festival

Mayor Kapp reports Mrs. Seffinga sold over \$800 in tee shirts and sweat shirts. (The preliminary accounting was submitted with the treasurers report.)

Mayor Kapp states for Haymarket Day he would like someone to do the work the town clerk has done for the spring festival.

Spring Clean Up

Mayor Kapp reports the day went well.

Railroad

Comment letter available for perusal.

Street Scape

Mayor Kapp states there were outstanding comments from many people at the festival. The Mayor would like to display the street scape with mention of ARB, historic overlay and Chris's drawing at Lafayette Day and Haymarket Day events.

Utility Tax

Ordinance amendment for June meeting for industrial use. GTE says we will receive the first check July 31.

Capital Improvement Plan

Tabled.

Computer Back Up

Installed.

Water District

The Powell's (Madison Street across from First Virginia Bank) want to hook up to water. Mr. Evans (Madison Corner Shoppe) would not allow the Powell's to run a line through their property. Mayor Kapp states Mr. Key is considering allowing it on his property.

Mayor Kapp asks what people, those not in the original district, should pay to bring water to their property now that access has become available? Councilman Seffinga states elderly residents, residential property owners, who will not receive a higher value from their property, he does not want them to pay a fee to the town or district. Mayor Kapp states PWCSA will never finish putting water in town. The consensus was to drop the water district for now.

Floor restoration/bathroom

Mayor Kapp states construction companies will not bid on the RFP as written. Councilwoman Leonard states she has a customer who would like to make a contribution to the town if the

flooring is saved.

Recreation

Mayor Kapp states he spoke with Dr. Weaver twice asking for a proposal letter and has not received a response.

Carnival

On the LeaMac property (15201 Washington Street.) The town received \$1500 in fees plus 20% of the proceeds.

Shed for Town Hall

Mayor Kapp asked for a portable shed to store equipment.

Wine/Italian Festival

Don Costello plans a festival on the Payne property the evening of Haymarket Day. The festival will not be a part of the Haymarket Day program due to the fact the Gainesville Ruritans will not sponsor any event with alcohol included. Mayor Kapp states there will be 10-12 Italian restaurants and wineries for wine tasting and food sampling. Admission will be \$12 - \$15. The Mayor is negotiating a cut for the town. Mr. Costello would like to be included in the Haymarket Day Gazette. The Ruritans are taking this under consideration.

Water District

LeaMac has not contributed to the water district. Attorney Steketee to look into placing a lien on the property. Mayor Kapp states LeaMac is the only member who signed up but has not paid. Mayor Kapp asked Atty Steketee what to do about the people who do not sign the service agreement.

Board of Zoning Appeals

Jack Cybulski has agreed to serve. Phil Harrover and Buck Utz have agreed to be reappointed. Councilwoman Leonard moved to approve the appointment of Jack Cybulski, Phil Harrover and Buck to the Board of Zoning Appeals, seconded by Councilman Branca. Motion carried by unanimous vote. Town Clerk to fax to attorney office for delivery to court Tuesday, May 20.

Memorial - Carol Maniglia

Mayor Kapp announced the planting of the magnolia tree Supervisor Wilbourn donated in memory of Carol Maniglia at the Town Hall, in the park, on Thursday, May 22 at 4:30.

Bicentennial

Mayor Kapp states Carolyn Hopkins resigned as chairman of the bicentennial committee. Councilwoman Leonard suggested Mary Carter as chairman. She will speak with Ms. Carter.

Trash Pick Up - new schedule

Mayor Kapp announced the twice weekly trash service will begin June 1. Pick up days will be Monday and Thursday.

Environmental Impact Study

Greenhill Crossing - The town clerk reports Mr. Robin requested to see the EIS. We don't seem to have one on file. Atty Steketee states to reply to Mr. Robin that we don't have it.

Jim Gilmore & Don Beyer open forum

Thursday, 8 a.m. at Prince William Hospital third floor conference room.

Greenhill Crossing Section 9 Subdivision Plan

BDE & H/P met. Mike and George had problems with H/P on erosion and sediment, builder not stabilizing each lot. Councilman Branca looked at trouble spots and reports they were not serious.

Greenhill Crossing railroad fence

Bob Wulffe, H/P Companies states if the stockade fence comes down they will not replace it. Councilman Branca asked if H/P would put two rows of trees in front of the fence. Mr. Wulffe states they intend to plant trees in front of the fence. Councilwoman Leonard states ARB heard comments from property owners at the last ARB meeting. The residents state the HOA will become responsible for the fence at build out and would have to replace it. The majority of ARB members feel it should be taken down and then the homeowners will go back to the builders to replace it with something better. Councilman Seffinga asked if the town is liable if the fence comes down. Atty Steketee states no as the rest of the track is not fenced. The town clerk was instructed to notify H/P Companies that the fence will be addressed at the next meeting.

Town Tag

The police officers asked for the ordinance to state the requirements for getting a town tag for new residents. Atty Steketee says the code states a reasonable time, usually thirty days, which is sufficient to prosecute.

BPOL - manufacturing companies leasing property

Atty Steketee to check if gross receipts applies to the leasing of property.

Codification

Mayor Kapp and Councilman Branca have found some inconsistencies in the code specifically looking at the Smith and Costello properties recently in regard to site plans, preliminary site plans, etc. Councilman Branca and Mayor Kapp recommend Liz Via look at the code to put together a contract for her to quickly make recommendations to rectify these areas. Councilman Branca moved to contract Liz Via to recommend ordinance amendments, seconded by Councilwoman Scarbrough. Motion carried by unanimous roll call vote.

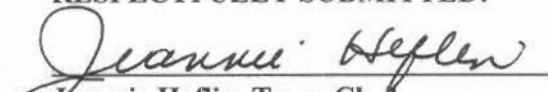
Executive Session

Councilman Branca moved to go into executive session to discuss personnel matters pursuant to Virginia Code 2.1344a.1 at 10:58 p.m., seconded by Councilman Seffinga. Motion carried by unanimous vote. Councilman Branca moved to go back into regular session at 11:34 p.m., seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

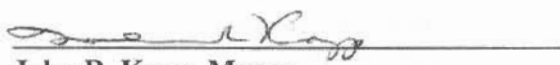
Adjournment

With no further business to discuss the meeting was adjourned at 11:35 p.m.

RESPECTFULLY SUBMITTED:


Jeannie Heflin, Town Clerk
tc597-2

APPROVED:


John R. Kapp, Mayor