

HAYMARKET TOWN COUNCIL

May 5, 1997

MAYOR
John R. Kapp

ATTORNEY
Pete Steketee

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

Mayor Kapp opened this regular meeting at 7:30 p.m. The Town Clerk and the Police Sergeant were absent.

Police Report

Councilwoman Scarbrough read the police report for April; 56 traffic citations, 3 DWI, 3 possessions of marijuana, answered 30 calls. A breaking and entering at Bull Run Vet, a grand larceny at Q Stop, K-9 program on hold, need to discuss the salary for new officer in lieu of the grant. There are three extra police scheduled to work with the festival. The new police car will be delivered in June.

Mayor Kapp reported the Town received notice (from VDOT) that we can close the street (Washington) from 84 Lumber to Jefferson Street, for the festival.

Treasurers Report

\$54,643. Was our starting balance in the general fund operating account at First Virginia Bank. Total expenditures \$19,452. Deposits of \$20, 44. With a \$55235. Balance in the general fund, CD's \$122,000 - Grand Total \$177,297.

Unpaid Bills

Councilwoman Scarbrough moved to pay the unpaid bills, seconded by Councilwoman Leonard. Motion carried by unanimous vote.

Business Licenses

Donald Snyder, Snyder Amusements, Inc., carnival at 15201 Washington Street, May 26 through May 31, Monday through Saturday. They told the Town Clerk they select a non profit group to give a portion of the proceeds to and she told them about our street enhancement project. They chose the Haymarket Historical Foundation for the charitable organization to receive about 20% of the proceeds.

Mayor Kapp asked if Snyder has insurance. Kathy Cole of LeaMac states they do. Ms. Cole states she worked out with Prince William County to do the ride inspections. Councilwoman Leonard states the carnival in Manassas last weekend had a problem with disruptions and guns. Ms. Cole states they have never had that problem. Councilwoman Leonard moved to approve this application, seconded by Councilman Seffinga. Motion carried by unanimous vote.

HAYMARKET TOWN COUNCIL May 5, 1997

DINA, LC - Donald Costello, applicant, 15175 Washington Street, property management and rental. - Councilwoman Leonard moved to approve, seconded by Councilman Branca. Motion carried by unanimous vote.

Sign Permit

Lanwood Development, subdivision identification, 6751 Fayette Street - Councilwoman Leonard moved to send to the PC and ARB pre-approved, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Building Permit

Manning, deck, 6935 Little John Court - Councilwoman Leonard moved to send to PC with pre-approval provided it meets PC and building inspection guidelines, seconded by Councilman Branca. Motion carried by unanimous vote.

6950 Jockey Club Lane, deck - Councilwoman Leonard moved to send to the PC pre-approved and building official providing it meets all requirements, seconded by Councilman Branca. Motion carried by unanimous vote.

Ryan Homes, Lot 36, house type change from Chandler to Bainbridge with a sun room - Councilwoman Leonard moved to send to PC pre-approved, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Hopkins, 14919 Greenhill Crossing Drive, deck - Councilwoman Leonard moved to send to PC pre-approved provided it meets building inspectors guidelines, seconded by Councilman Seffinga. Motion carried by unanimous vote.

U S Homes, Lot 42, 6918 Jockey Club Lane, Avalon - Councilman Seffinga moved to pre-approve and send to PC and Bldg. Official, seconded by Councilwoman Leonard. Motion carried by unanimous vote.

Old Bank Cafe, 14951 Washington Street, addition of a one story. Mr. Contrucci presented the illustrative drawing of the addition to the Old Bank Cafe with color swatches. Mayor Kapp states the application includes off site parking. Town ordinance allows off site parking for commercial space within 600 feet of the facility. The request is to provide temporary parking on a small new lot (up to 12 spaces) at the Payne property. The Payne property is within 415 feet of the site. Councilman Branca asked if this request triggers any of the proffers on the Payne Property. Mr. Contrucci answered the request is that it not, this is a critical part of the request. That point is in the letter of request.

Councilman Branca asked where the future parking would go, as this request is for temporary parking. Mr. Contrucci replies he gave the town a general development plan with the Payne property, that the future parking (for Old Bank Cafe) will be in within that 600' radius of the site. He states the parking could stay on the property eventually, Mr. Contrucci states he (Don Costello) would like to move on the property and build it. His best option to do that is for the Council to favorably consider this, he start building on that property and should other solutions come up that are closer and more beneficial we'll bring it back to the Council to consider. That is what the intent is.

Councilwoman Leonard asked where this parking lot would be on the Payne property. The GDP shows it right across from the Town Hall parking lot.

Councilwoman Leonard moved to send it to the Planning Commission without pre-approval, seconded by Councilman Branca. Mr. Contrucci asked why Councilwoman Leonard's motion is not pre-approved. She states it is not unusual to not pre-approve major issues. Mayor Kapp states he thinks this does come under things that are pre-approved. The applicant has to come back with a detail design of this project. Councilwoman Leonard states even more reason not to pre-approve as not everything has been submitted. Mayor Kapp states the pre-approval would allow them to do their engineering drawings. Councilman Seffinga states he does not believe we have ever pre-approved a building permit without construction drawings. Mr. Contrucci states we are not asking for that. He states they are within the statute for pre-approval, from this Council, of the concept of the building subject to Planning Commission approval, architectural approval, subject also to building permit approval and approval of the parking accommodations. I am requesting at least a minimum pre-approval as this requires a great deal of money, stated Mr. Contrucci. Councilwoman Leonard states she feels the Council is very lenient and expeditious as possible but this case looks a little more complicated than the routine things that are pre-approved. Councilwoman Leonard states she is not comfortable with it. Councilman Branca states he sees the request for preliminary approval of the parking off site, approval of the concept of the building, siting of the building. He assumes there is also on site parking. No there is no on site parking, replied Mr. Contrucci. Total gross square feet will be 2900 square feet which requires eleven parking spaces. Councilman Seffinga states in the letter submitted it states "you will note that the plan shows on site parking for five vehicles at the rear of the addition." What you are saying is that reading the last sentence there will be no parking here and you may extend this building deeper. No Contrucci states, what we are saying is that since there will be no parking we may square off the building more and it will remain the same size but basically there will be no parking in the back. There are other options to come back to you with parking in the back. Contrucci was asked what he means by squaring the building off. All parking off site is the request. Councilwoman Leonard states she is concerned about handicap parking. She has no problem with off site parking if our ordinance allows that. The concept needs to be looked at carefully by the ARB, as the ARB liaison, she says it looks a little more like a forties diner than our colonial theme. She will be interested in input from the rest of the group. Councilman Seffinga personally does not feel comfortable with all the parking off site. Particularly the handicap parking. He would like to see the longer design with parking in the rear. He does not want to see this extended out and no parking on the site. He feels we are looking for problems. Mr. Contrucci states the statute permits all parking off site. The parking ordinance does not specify the amount of off site parking permitted, states Councilman Branca. He does feel the one handicap parking space will be required to be on site.

Councilwoman Leonard states her motion stands. Councilman Branca states one of the requirements for a building permit is a site plan submitted prior to construction. Mr. Contrucci states he is looking for a conceptual approval. Councilman Branca reiterates the pre-approval of the concept is not a pre-approval of the building permit application, architectural plans and site plan are required. Councilwoman Scarbrough thinks they can pre-approve, Councilman Seffinga feels it can be pre-approved, Councilman Branca feels it can be pre-approved, Vice Mayor Shepard feels it can be pre-approved. Councilwoman Leonard asked Counsel if we are at risk if we pre-approve this and the ARB has reservations about approval. Councilwoman Leonard withdrew her motion, Councilman Branca withdrew his second.

Councilman Branca moved to pre-approve preliminary conceptual application providing approval by ARB, Planning Commission, Building Official, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

US Home - Lot 45 - request for variance - side yard set back - Town Clerk to notify the BZA who will call a meeting. Mayor Kapp states it will be within the next couple of weeks. All parties will be notified by the Town Clerk when the meeting is scheduled. Atty Steketee states the BZA may want to refer to Town Code 12-1.

Zoning Text Amendment - Drive Thru Window - Industrial District I-1, Section 12-162.1

Attorney Steketee states he suggests Council make reference to seating in this approval.

- (8) Drive-thru Service Window and such limited interior seating as may be found appropriate to the overall use, only as ancillary to permitted use in the district, and so long as, driveway space shall be provided off the street for all vehicles waiting for service and so that not more than 30% of all sales, as calculated by cash register receipts, are from prepared food sales.

Councilman Branca asks what type of restaurant this is classified? Atty Steketee states the only reference to food is food sales. Council may want to clarify what activities in the restrictions.

Special Use Permit

Sheetz, Inc. - drive thru window and interior seating - Councilman Branca states the public hearing that was held was just for the drive thru window and he asked if Sheetz could strike interior seating from this request. Mayor Kapp states that was not a part of the change in the ordinance but restaurants are allowed in the Industrial district. Mayor Kapp asked Attorney Steketee as a part of the special use permit can the Council allow the seating. Councilwoman Scarbrough states we can not allow seating in the Sheetz, that is what Liz Via, staff consultant, stated in her letter to Council. Atty Steketee states it is a special use permit, we can strike it ourselves. If we wish to give approval to the special use permit with conditions one of which would be no seating on the interior. Councilwoman Leonard states why would we not allow it if it is allowed across the street. Atty Steketee expects it is not a restaurant and asked if Sheetz wants to turn it into one. The answer was no. Atty Steketee states interior seating is not something this ordinance amendment covers. Mayor Kapp states the facility across the street is in violation which the Council will address. Councilwoman Leonard states wouldn't it make more sense to amend the ordinance again to allow seating. Mayor Kapp asked legal counsel if the best way to do this is to amend the ordinance or add to our zoning ordinance a highway district. Atty Steketee states you may allow the seating on the special use permit by stating the special use of the drive thru window with interior seating with limitations and restrictions. Atty Steketee states as proposed it is not allowed. We will have to go back to a public hearing for the seating states Councilwoman

Leonard. Atty Steketee states the public hearing does not have to be verbatim what the ordinance would state. Councilwoman Scarbrough states there was only one person who spoke in regard to the drive thru window.

Councilwoman Leonard states she does not feel the seating hurts the historic features of the town in any way but drive thru's do and the other issue (the percentage of prepared food sales shall not exceed 30% of all sales) she would not like to make part of the ordinance.

Councilman Branca states Ms. Via made some recommendations for conditions for the special use permit that do not seem to be with the package tonight.

Final Subdivision Plan Review

Section 9, Greenhill Crossing - Mayor Kapp asked if H/P & Rohrbaugh have agreed to a percentage of the cost of sharing the storm water management pond. Brian Harris, H/P representative, answered yes. Councilwoman Leonard states she thinks the comprehensive plan calls for a retention pond on that property (H/P property). She asks if normally maintenance like mowing the grass be required on their property be something someone else would contribute to? H/P states the reason that is in there is they are providing storm water management for Mr. Rohrbaugh's property thereby increasing the size of the pond therefore increasing the maintenance responsibility the HOA will have to take in. H/P felt that Mr. Rohrbaugh's property increasing the size of the pond he should enter into some type of agreement with the HOA and take on some of that cost.

Mrs. Edwards states the wetlands are on her property. H/P's building up of the pond disturbs the wetlands. Mr. Harris states H/P has approval to disturb that wetland. Councilwoman Leonard's question on the shared property, Councilman Branca states the maintenance agreement is usual.

Councilman Branca addressed concerns - the applicant and engineers have worked very closely to resolve the issues. The latest comments are April 28 and the only outstanding comment is (1.) one paying review fees and the execution of the owners consent and dedication statements on the plats.

Major issues were the (1.) ISTEIA improvements on the frontage, H/P has proposed to escrow those improvements which look appropriate for what will go there. Sheet 7, escrow for paving sub base and base (19,000) sidewalk 4' @ \$10 per linear foot showing curb, price appropriate, escrow for type and quantity are reasonable for escrow. The total escrow \$36,000 along the frontage of the property, including street lights, etc.

(2) Storm water management pond. There were statements that the pond in the county section would cover some of the Rohrbaugh property. Those statements were incorrect there is no capacity for any of the Rohrbaugh property in pond #1 in the County. H/P has taken 8 acres and diverted a couple of acres to the proposed pond shown an alteration to the drain design. They have provided total capacity for the Rohrbaugh tract in the pond. They have clarified the drainage at the railroad track which is now adequate. They extended the water line to behind the Blankenship and Bear properties which have failed wells. Councilman Branca states the Town Clerk states she has concerns about approval for plans and reviews and whether all issues have been addressed before signing at the final stage. He is currently including all requirements on the comment letter that is copied to the Town Clerk for check off. Councilwoman Leonard asked if they have addressed every issue except the letter from the railroad. Branca states no, from the first tier of twelve items everything has been done except executing the owners consent dedication. **Councilman Branca moved to approve of the subdivision plans and plat for Greenhill Crossing, Section 9, contingent on receipt of the owners consent and dedication statement, Town Clerk verifying review fees paid and alerting the applicant of the five items required before plat release and the one item required before site development permit be issued in the April 28, 1997 letter to Gene Millar, seconded Councilwoman Leonard. Councilman Branca amended motion to include that prior to plat release add item #6 to letter to include that the developer of section 9 and the developer of the**

Rohrbaugh property come to an agreement on the maintenance responsibility of the storm water management pond, seconded by Councilwoman Leonard. Motion carried by unanimous vote.

Mrs. Edwards asked how big the pond is. Branca answered 20,000 square feet. In regard to the bond the Town holds the bond for usually one year or until the improvements are in place at which time the developer will ask for a release. The homeowners association is looking for protection and guidance from Council to hold the bond until everything is done properly and the systems are working properly. Atty. Steketee states it is the engineers responsibility to determine that the storm water management is in compliance.

Annexation

Mrs. Edwards asked if the town could annex Greenhill Crossing that is not in town so the entire development will have continuity under the historic district overlay. Mayor Kapp states it is very difficult to annex property as the town would have to prove it has a better facility to service the community. The homeowners association, once it becomes viable, can petition the town to annex the community. But that is a long way in the future.

Councilwoman Leonard states when the Carr Property (now Greenhill Crossing) rezoning went through Prince William County, she and Mayor Kapp went to the public hearing and the county approved the project based upon the condition the project blending with the town of Haymarket and the immediate vicinity within the county limits. That is an issue that can be brought up at the public hearing for the Exxon station.

Subdivision Plan

Century Stair - tabled.

Citizen's Time

Mrs. Edwards asked if there has been a permit application for the stockade fence at the railroad track. Mayor Kapp states no. The ARB guidelines states a stockade fence is not permitted. Councilwoman Leonard invited Mrs. Edwards to come to the ARB meeting on Wednesday.

Street lights. Mr. Duckett states he was informed his request for a street light on Rising Sun Lane that the HOA wants help to foot the bill for the street light and put it further down the street (than the corner of Comanche Court and Rising Sun Lane). The electric company does not want to help defray the cost.

Councilwoman Leonard states the HOA is willing to pay the monthly light bill. Virginia Power is not putting this light in because it is going to cost so much more to install (due to rock at this location). Councilwoman Leonard suggests, and she will help with this project, the residents apply pressure to the HOA.

Subdivision Plat

Section 9, Greenhill Crossing and Lot 4, Madison Acres

Mrs. Bailey had a question of why her plat has to be approved by the Town Council. Mayor Kapp states her plat does not have to be approved, only the H/P subdivided plat has to be approved. Councilman Branca moved to approve the subdivision of Lot, 4, Madison Acres and the old Lyon's tract, seconded by Councilman Seffinga. Motion carried by unanimous vote.

Citizen's Time (cont'd.)

A resident asked about the pile of dirt on the LeaMac property. Mayor Kapp states it is from the digging of the water line, excess dirt.

Dr. Weaver's field for playground. A resident asked the status of that. Mayor Kapp states he spoke with Dr. Weaver twice. Dr. Weaver was to send a letter to the Town Council requesting exoneration of taxes on the lot (Hunting Path Road behind his building) that the Town Council would send the request on to Ed Wilbourn who would take it to the county board of supervisors for approval. Mayor Kapp has not received the letter to date and assumes Dr. Weaver is not interested. The resident asked who was to maintain the upkeep. Mayor Kapp states the HOA was to maintain the upkeep. She states when she was pursuing this earlier the HOA was not interested in maintaining the lot. Mayor Kapp states it will probably die then.

A resident asked if there is anything being done about the train incident. Mayor Kapp states he took pictures of the train derailment. The Mayor is going to take the pictures to Ed Wilbourn and see what can be done.

Mayor Kapp states he has the final railroad study report, the last page shows Dewberry & Davis is doing a design study on Route 29/66 interchange and one of the plans is taking it through the interchange when they build it, and all the way up route 66 to Thoroughfare. That would be worse for the town of Haymarket and Gainesville states Councilman Bird. If they build the track in the median of 66 the train speed will be 45 miles an hour to get the amount of trains through. Mayor Kapp states with CSX Norfolk Southern takeover of Conrail a lot of the traffic will go up the Washington corridor. The containers will be double stacked on the trains and they cannot go up the Washington corridor or down the valley due the tunnels being too low. We may not get as much train traffic as projected due to this restriction. Mayor Kapp states Delegate Marshall is in favor of putting the train down the middle of route 66. Residents may want to contact him in this regard. Mayor Kapp states the Town retained Steven Kalish from D.C. to represent the town in regard to the railroad. We have had several people make donations to the legal defense fund and the town has given \$5000 toward this fund.

Planning Commission

Councilman Branca states the PC looked at the closure documents for GTE fuel storage tanks. He states the documents show where they removed the tanks there is some petroleum contamination in the soils. They are not very clear here, they have identified they have removed some of them but they haven't removed all of them. There is some high levels. Councilman Branca contacted the state who is not aware of them submitting any documentation where they are not actively reviewing them. Councilwoman Leonard states it would be under the name of Piedmont as it has been there for over 25 years. Councilman Branca is trying to find out if the DEQ at the state has seen that and reviewed. He has not gotten in touch with the applicant, the state is to contact them. Councilman Branca states he is concerned as there are residents wells there and we know some have been contaminated with surface runoff with bacteria. Councilman Branca will follow up on this to keep Council informed.

Councilman Branca got a letter from the health department that if we are going to public water in town we have a responsibility that we close the wells when people connect to the public water. Councilman Branca states that maybe the Council should draft a letter to the water district members of that responsibility when they connect to public water. Councilwoman Leonard states to be clear that it is only when they chose to hook up. Councilman Branca will draft the

letter.

Architectural Review Board

Councilwoman Leonard turned the floor over to Chris Foley to present the rendering of the street scape based on the plans provided by BDE. In discussion with the Mayor he recommends moving the utility poles on the south side of Washington back behind the buildings on the street front to improve the visual effect and to provide more room on the street. For the community festival Mr. Foley will have the four sections of Washington Street from Madison Street to Fayette Street showing all the enhancements and future buildings. Mr. Foley suggests waiting for the selection of trees until the utility pole issue has been resolved.

Councilwoman Leonard states the ARB chose the trash receptacles which will be brown, the bike racks which are at ground level will be brown, the benches will be hunter green and red wood and the street lights which will be a dark black green. Councilman Branca states the street lights need to be located on the street scape for BDE at the next ARB meeting. There will be a 3' square concrete base (pedestal) for each street light.

Councilwoman Leonard moved to approve the following items; trash receptacle Vector Stanley S42 and S2 lid in brown color, bike rack in brown by Alpha Precast, park bench Victor Stanley Model C-10, The Classic using the blackish green color with medium oak stain on red oak transparent stain, which has been adopted by the ARB and blackish green acorn street lights, the same as those at Lake Manassas. Motion amended to accept the street scape as prepared by Chris Foley except for minor adjustment in location and further adopt the Spring City Electrical Mfg Companies Washington 14' steel post with Washington 118 globe luminaire, seconded by Councilwoman Scarbrough. Motion carried by unanimous roll call vote.

Street lights are spaced maximum of 85' apart. A total of 29 street lights are needed for Phase II, Fayette to Madison Streets.

Historical Commission

(Mrs. Turner's report could not be heard on the tape.) Mayor Kapp states maybe we can order our town tags colonial next year. Councilwoman Leonard asked why we can not make them colonial from now on? Mrs. Turner states she is half way through her book (on Haymarket's history.)

Bicentennial

Mayor Kapp had a meeting with Carolyn Hopkins, chairman of the committee. Mayor Kapp suggested a kids day, with old fashioned games, in June '98 in conjunction with a town picnic. The illumination could be all through the bicentennial year, from Christmas to Christmas.

Zoning Amendment as special use

12-162.1 light industrial I-1 district to permit a drive thru service window for sales. The use shall be permitted only when ancillary to a permitted use in the district. In addition the use may include limited interior seating as may be found appropriate to the permitted use. In all cases and in addition to any other conditions or requirements as may be determined reasonable and necessary to the special use off street driveway space shall be provided for all vehicles waiting for service. In the event the sales shall be of prepared food the sales of prepared food shall not exceed 30% of all sales of the permitted use and the special use combined as determined from cash register receipts. Councilman Branca asked if it is appropriate to await a recommendation

HAYMARKET TOWN COUNCIL May 5, 1997

from the Planning Commission. Councilman Branca states the Planning Commission has not voted on this issue. This will be done at the May 6 meeting. Tabled to May 19.

Building Inspector

Gary Eddy states he has heard there has been some concern about things that have been happening with the building inspector. He requests a work shop with Council to address some of these items. He would like to remind the Council why he was hired. He has been building official for eight years and all this time the town has provided all the paperwork and supplies. Mr. Eddy states he was hired to do one thing and that was to do inspections, nothing else. He recommended at one time there be a budget for this department, based per inspection, that Council charge \$40 per inspection and he get paid \$30 of that and the \$10 per inspection would go toward supplies and the classes he takes. Council agrees to work on this at another meeting.

Additional Town Council meeting

Council scheduled a continuation on Monday, May 19 at 7:00 p.m. to discuss the remaining agenda items and recommendations from the ARB meeting.

ISTEA grant

The Mayor and Councilman Branca met with BDE & VDOT. Councilman Branca moved to send the street geometric plans to the Planning Commission and the ARB for recommendations, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote. Councilman Branca states we got a rough estimate in for the first phase of \$409,000 which does not include any right of way easement acquisition, utility pole relocation or the street lights. Included are brick sidewalks, paving, curb and gutter, storm sewer & drains (at \$100,000 each storm sewer). Councilman Branca and the Mayor are going to talk with VDOT Maintenance about absorbing some of the cost because it is in their right of way. Tabled.

Trash Contract

Two proposals were received for collecting trash, from ABC Disposal and Bean's Trash Service. Councilwoman Leonard asked if everyone has seen her letter from Mrs. Melton. Mrs. Melton reminded Council, in her letter, that Mr. Bean gives extra personal service to those who can not get their trash out to the curb. Councilwoman Leonard moved to continue to award the contract to Mr. Bean for twice weekly pick up for a term of five years (@ \$10 per household), seconded by Vice Mayor Shepard. Motion carried by 5/0 vote with one abstaining.

Spring Festival

May 17, we have the pizza man coming, soft drinks, donuts and coffee, we have over 50 crafters, antique cars, things for the kids. We need volunteers the Town Clerk has the sign up sheet.

Utility Tax

Atty Steketee submitted a paragraph to amend the utility tax ordinance to include industrial users for utility tax.

Floor Restoration

The four contractors the Mayor contacted do not want to bid on the contract as the RFP (revised) is written.

Citizen's Time

Mrs. Miller asked the status of the Madison Street cul-de-sac paving. Mayor Kapp states the

HAYMARKET TOWN COUNCIL May 5, 1997

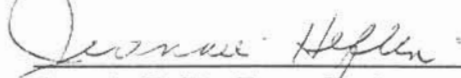
Town Clerk sent letters to each property owner asking for the site plans so we can move forward.

Mrs. Bailey asked the Mayor to sign her subdivision plat for recording. Atty Steketee stated the property owners have to sign the plat before the Mayor signs it.

Recess

Meeting recessed to May 19, 1997 at 7:00 p.m.

RESPECTFULLY SUBMITTED:



Jeannie Heflin, Town Clerk

APPROVED:



John R. Kapp, Mayor

tc597