

TOWN OF HAYMARKET
Chartered 1799
County of Prince William
PUBLIC HEARING
TOWN COUNCIL AND PLANNING COMMISSION
March 3, 1997

Subject: (1) Amend Section 12-252 Special Use Regulations in the Planned Interchange Commercial District B-2 and Amend Section 12-162.1 Special Use Regulations in the Light Industrial District I-1 to permit A food store larger than 3,000 square feet and not to exceed 45,000 square feet.

(2) Adopt Section 2-51 to 2-60 relating to the imposition of a utility service tax, prescribing procedures for collection, exemptions, and providing a penalty.

MAYOR

John R. Kapp

TOWN ATTORNEY

Martin Crim

TOWN CLERK

Jeannie Heflin

*Mr. Duckett was attending
Planning Commissioners Program
in Richmond.

COUNCIL

James Shepard, Vice Mayor

Mary Lou Scarbrough

Dottie Leonard

Bob Seffinga

Mark Branca

Richard Bird (absent)

PLANNING COMMISSIONERS

John Duckett, Chairman (*absent)

Charles King, Vice Chairman

Tom Utz (absent)

Glen Bear (absent)

Mayor Kapp opened the public hearing at 7:00 p.m.

(1) Amend Section 12-252 Special Use Regulations in the Planned Interchange Commercial District B-2 and Amend Section 12-162.1 Special Use Regulations in the Light Industrial District I-1 to permit A food store larger than 3,000 square feet and not to exceed 45,000 square feet.

For

First Call. Mayor Kapp asked all those who would like to speak for the amendment of sections 12-252 and 12-162.1 to speak. No one spoke

Second Call. No one spoke.

Third Call. No one spoke

Against

First Call. Mayor Kapp asked all those who would like to speak against the amendment of sections 12-252 and 12-162.1 to speak. Mr. King voiced his opposition.

Second Call. No one spoke.

Third Call. No one spoke

Councilwoman Leonard asked Mr. King what his concerns are. Mr. King states there will be large retail centers in Gainesville. Our zoning (up to 45,000 square feet) will not allow a first class store.

Mr. King moved to continue the public hearing to the Planning Commission meeting March 4, 1997, seconded by Councilman Branca. Motion carried by unanimous vote.

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(2) Adopt Section 2-51 to 2-60 relating to the imposition of a utility service tax, prescribing procedures for collection, exemptions, and providing a penalty.

Mayor Kapp explained the County already receives this tax from the residents of Haymarket. (This ordinance allows Haymarket to collect this tax instead of the County.)

For

Mayor Kapp asked for all those who wish to speak **for** the adoption of this ordinance to speak.

Mr. King says good.

Second Call. No one spoke.

Third Call. No one spoke.

Against

Mayor Kapp asked for all those who wish to speak **against** the adoption of this ordinance to speak. No one spoke.

Second Call. No one spoke.

Third Call. No one spoke.

Mayor Kapp closed the public hearing at 7:06 p.m.

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HAYMARKET TOWN COUNCIL

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Mayor Kapp opened the regular meeting of the Haymarket Town Council at 7:30 p.m. Mayor Kapp led the Council in the Pledge of Allegiance. Councilwoman Leonard led the Council in prayer.

Roll call found all members present with the exception of Councilman Bird.

Minutes of the February 3 meeting

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

Police Report

Sgt Bockey reports there were 99 citations in February, 3 criminal arrests (2 DWI and 1 impersonating a Police Officer), 5 reports, 23 calls answered. They recovered a stolen vehicle and solved the arson case.

Leamac Property

The old Orndoff property lot has been posted with "no parking" recently. The PD has been removing vehicles and ticketing violators.

Dog for narcotic detection

The Police Dept has been approached in regard to the donation of a dog. Officer Roop is certified for canine handling. Sgt Bockey is interested in a dog for narcotic detection but can not justify an attack dog. Sgt Bockey spoke with Councilwoman Scarbrough in this regard who states it is worth looking into. Officer Roop is to provide the needed information. The Council will have to approve the expense of veterinary care and food. Officer Roop would have to take the dog home which would require him to use a police vehicle to his home.

The dog would have to be trained. There is someone in the City of Manassas who trains dogs. Sgt Bockey will report back to the Council next month with more information.

Property Standard violation

Sgt Bockey states there have been complaints in regard to the Cramer property. He has been in contact with Attorney Steketee for assistance in resolving this problem. Councilwoman Leonard states the town drafted a letter for the Town Council to send (to those in violation of the town ordinance in regard property standards.) Councilwoman Leonard states there are a number of

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properties that the Council members have received complaints on that the Council is going to notify. Sgt Bockey asked for a copy of the letter for his file.

Police Cruiser

Mayor Kapp states we need to purchase a vehicle for the PD and we have set aside the money for the purchase. There are people interested in purchasing the '89 vehicle. The individual who offered to trade the set up of the new vehicle for the '89 vehicle is still interested.

Councilwoman Leonard moved to purchase the new vehicle, seconded by Vice Mayor Shepard. Councilman Seffinga asked about the question of the proffer for the vehicle. Mayor Kapp states we have the money from Greenhill proffer and the savings account set aside for the vehicle. Councilwoman Leonard amended the motion to include the essentials to set the car up, amendment seconded by Vice Mayor Shepard. Motion carried by unanimous roll call vote.

Treasurers Report

The treasurer reported a balance of \$51,614.30 in the general fund account at First Virginia Bank. There were no unbudgeted unpaid bills.

Business License

Cellular One - 15175 Washington Street - telecommunications - Councilman Branca asked what the resolution for the other tower was. He asks how are we going to do the accounting for the gross receipts. It was discovered, with the Bell Atlantic application recently, there is no way to account for users in Haymarket for BPOL tax purposes. Public utility tax is tacked on residences bill. The BPOL is a separate issue.

Attorney Crim says they have to apportion the gross receipts in every jurisdiction, it is the responsibility of the business owner to apportion and provide us with their accounting, and then if there is a dispute we will address it. Mayor Kapp states Council will have the attorney draft a letter to that effect stating the BPOL tax as it is written they have to do that. Councilman Seffinga moved to accept this business license application, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

E&E Auto Sales, 14950 Washington Street, Ste. 100, Eddie Wells, applicant - business license that was not renewed, in error - Councilwoman Leonard moved to approve, seconded by Councilman Branca. Motion carried by unanimous vote.

Sometimes New, 14950 Washington Street - Mildred Minor, applicant - consignment/thrift shop - Councilwoman Leonard moved to approve, seconded by Councilman Seffinga. Motion carried by unanimous vote.

Selective Auto, 6707 Jefferson St. #3, Jahangir Rasoulpour, applicant - Councilwoman Scarbrough moved to approve, seconded by Vice Mayor Shepard. Motion carried by unanimous vote.

Sign Permit

Selective Auto, 6707 Jefferson St. #3, Jahangir Rasoulpour, applicant - standard vehicle dealer sign - Councilwoman Scarbrough moved to approve, seconded by Councilwoman Leonard. Motion carried by unanimous vote.

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Sometimes New, 14950 Washington Street, Mildred Minor, applicant - Councilwoman Leonard moved to send to the ARB pre-approved providing the sign meets the requirements, seconded by Councilman Branca. Motion carried by unanimous vote.

Building Permit

PWCSA - 6924 Jefferson Street, install above ground 285 gallon tank - Councilman Branca moved to send pre-approved to PC & Building Official, seconded by Councilman Seffinga. Motion carried by unanimous vote.

Ryan Homes, Section 2, Lot 50, 6953 Jockey Club Lane, house type change Devonshire to Chandler - Councilwoman Leonard moved to pre-approve and send to the PC, seconded by Councilman Seffinga. Motion carried by unanimous vote.

Ryan Homes, Section 2, Lot 59, 6917 Jockey Club Lane, house type change Chandler to Vandenburg-A - Councilman Branca moved to pre-approve and send to the PC, seconded by Councilman Seffinga. Motion carried by unanimous vote.

Ryan Homes, Section 2, Lot 17, 6892 Jockey Club Lane - Councilwoman Leonard moved to pre-approve and send to the PC, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

U.S. Home, Section 2, Lot 14, 6880 Jockey Club Lane, Birchfield - Councilwoman Leonard moved to send to the PC pre-approved, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

U.S. Home, Section 2, Lot 46, 6950 Jockey Club Lane, Birchfield-A - Councilwoman Leonard moved to send to the PC pre-approved, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

U.S. Home, Section 2, Lot 52, 6945 Jockey Club Lane, Birchfield-B Councilwoman Leonard moved to send to the PC pre-approved, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

18th Century Haymarket - last month the building permit was pending completion of the bond. Attorney Crim states Virginia law does not allow us to do this in the manner. We have to have a cash bond, a corporate surety or an irrevocable letter of credit. Attorney Crim states Mr. Underwood has been advised and will speak with Mr. Bolt and pursue. Mayor Kapp states in order not to hold up Mr. Bolt we could pre-approve pending satisfaction of bond.

Councilwoman Leonard moved that if the bond requirement is satisfied that the building permit be issued, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Special Use Permit

Wolfe Industrial Auction, Jay Ruby 6612 James Madison Highway, Auction March 14, 1997 - Attorney Crim asked if the Town ever got the money owed earlier. The answer was no. Attorney Spitler reported the bond was not accessible to the Town. The Town Clerk reported the \$2,000 cash bond Mr. Frogale, of Annandale Millwork, holds does not allow access to the town should Wolfe Industrial Auction default in the clean up after this auction. Attorney Crim suggested we approve the special use permit application subject to the provision that the \$2,000

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allocated \$2000 of the HP proffer to the Historical Commission and the \$3000 was allocated to restoration of the building. Councilwoman Leonard states she recalls the original designation for the funds was for the Historical Commission and the Town Council allotted them for the restoration of the building thinking that was for restoring the floor for the Historical Commission to have for a museum. Councilwoman Leonard asked if Mrs. Turner was comfortable with that. Mrs. Turner states that is fine.

Mrs. Turner stated the \$2000 the Historical Commission was given was to be allocated to Mary Carter for a sculpture and bronzing of the two horses. Ms. Carter told Mrs. Turner she is having problems with the sculpture and would rather do a painting. Mayor Kapp states that is totally up to the Historical Commission what they do with those funds.

Mr. Eddy was asked to draw up an RFP for the floor work. Mr. Eddy says we need to be sure we are not dealing with rock.

Councilman Seffinga brought up the question of water beneath the floor once we dig the 18" dirt out. It was agreed we should at least provide ventilation under the floor.

Building Official

Mr. Eddy reports the Insurance Service Office is evaluating the building department of 50 states, for rating on their scale, in a two year period. Most Virginia jurisdictions will be evaluated in March and April of this year. The goal of the evaluation is the insurance companies have lost so much money with floods, etc., they want to find out what is wrong with the building departments.

Residents insurance rates are affected by the building departments grade (but not greatly states Mr. Eddy). The criteria for evaluation has most to do with training and education. (1) certifications of the building official (17 possible) and (2) have a planning engineer on staff. Mr. Eddy has four certifications. He states there is no incentive for him to go to any class as he doesn't get paid for it. He does a lot of work and attends meetings that he doesn't get paid for.

Mr. Eddy states there is a major code change this year which requires a mandatory six day course. Councilman Branca asked if Mr. Eddy wants to be certified in electrical as he sees it as our biggest deficiency. We would want to see what it costs.

Councilwoman Leonard states maybe we should budget something in continuing education. Mr. Eddy states the class is local and there is no registration fees, it would be a matter of his lost wages.

Planning Commission

Sheetz Drive up window - Planning Commission recommends to consider the ordinance. Ms. Via mentioned we could set up at a special use on I-1 zoned property and not allow for every use. We could limit the total percentage of fast food/gross receipts allowed to be sold through the window. Council wants Ms. Via to draft an ordinance for a drive up window as a special use permit in the Industrial-1 zone.

Architectural Review Board

Property standard violations Councilwoman Leonard states the ARB had the task of drafting a letter to property owners with complaints. The Madison Street property is a business and the

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renewals for business license come due on April 30. If the property is not cleaned up the business license may not be renewed.

Council directs the letters be sent to the property owners only as they are responsible. Attorney Crim says notice should go to both and attach the code requirement and area of complaint to the letter with thirty days to remedy the violation.

Councilman Branca asked who will do the attachments. He prefers the ARB & Police Dept. The letters to be sent are the fence violation, vehicles in yard violation, and tires on the lot violation. Letters to go out shortly.

Street Scape - Councilwoman Scarbrough asked if the ARB has a time line on the work Mr. Foley has been tasked to do. Councilwoman Leonard states no.

Historical Commission

New Members Mrs. Turner reports there are two new members of the Historical Commission, Ken Kopp and Rodney Rehrig.

Bicentennial Mrs. Crafton-Masterson suggested the commission have an illumination of Haymarket for the bicentennial year and light all the trees on all the streets.

Lafayette Day - Mrs. Turner will speak with the Gainesville Elementary School folks to use the school for a picnic. The commission will sell lunches for \$5.00 each.

Old Business

Bicentennial - Mayor Kapp spoke with Carolyn Hopkins of Greenhill Crossing, who has organized events in the past, to ask her if she would be the general chairman for the Bicentennial Committee for the town. She stated she will consider it. It was agreed should she take this position she would report to the Mayor.

Firemen's Carnival - There was interest in restoring the annual firemen's carnival the town used to hold. Ms. Stutz has information on a group that provides everything you need for the event and they give you the profit for the use of your facility. Councilwoman Leonard states she would like to know what it is like.

Special Use Regulation to permit a grocery store in the B-2 and I-1 districts - sent to the Planning Commission to continue the public hearing due to the lack of a quorum of Planning Commissioners.

ISTEA grant - Mayor Kapp and Councilman Branca met with BD&E and VDOT. In October we will advertise for a bid on the contract. The advertisement has to be out sixty days. We will start construction in February and have the two blocks completed by May 16 for our spring festival in 1998.

Councilman Seffinga asked if we worked out for Martin & Gass to put in the drainage. Mayor Kapp states yes. Councilman Branca and Mayor Kapp spoke with Steve Hicks at Manassas VDOT who will press Richmond VDOT to pay for the drains.

The Town Clerk was instructed to re-send the storm drain letter to Steve Hicks with the pictures.

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Greenhill Crossing, Section 9 - plans submitted with brick sidewalks but not 5' width. Ms. Stutz states H/P has been asking for the design of the sidewalk and they also want to know where the street lights go. She states H/P commits to doing them but doesn't have the design. BD&E is currently working on that information. Councilman Branca states there are several issues that need to be addressed. Mayor Kapp suggested to approve site plan for Section 9 with caveats. Councilman Branca does not want to do that. Tabled to April.

Water District - Tabled.

Railroad alignment - Council has a copy of the letter from Mr. Kalis to CSX-Conrail.

Spring Festival - Mayor Kapp thanked the folks who worked on the flyers: Jane Miller, Sarah Turner, Elfie Noonan, Pam Stutz, Kendra Stutz, Debbie Seffinga and Maphie Dunton.

Ms. Stutz, chairman, states there will be a children's avenue including a Moon Bounce, petting zoo, face painting, games, marbles. Kelly Rodgers of the Coalition Against Hunger is handling the entertainment. Ms. Stutz would like to be sure to get the names of all the people who contribute "in-kind" as well as outright donations so they will be included in the sponsor listing.

Ms. Stutz asked what our goal is for this event. She has been asked and would like an idea of what to respond. The Mayor would like to net \$2500. The Foundation has \$15,000 in the bank now and we have "in-kind" proffers, the Mayor reported. Last year we profited \$1500 from this event.

Bathroom & Termite Work - RFP due from Gary Eddy.

Street Scape - Chris Foley is working on it.

Jeannie's Requests - tabled

Kruse Corner grate - VDOT has this to do

Payne Gutter - VDOT has this to do

CIP - Town Clerk to re-type it from the last meeting.

Budget - Councilman Seffinga asks why we have to have another meeting for two figures that are missing (Business License/Gross Receipts and Land Disturbing.) Councilman Branca asks why we don't have the Town Clerk type up the changes and get them to Council before the next meeting. Next work session meeting scheduled for March 10 at 7 p.m. Subjects to be discussed are Bicentennial - a committee member of the Marshall Bicentennial group to speak with us, the budget, employee handbook, CIP, water district in that order.

Public Utility Tax Ordinance - Mayor Kapp states the public hearing was held March 3, 1997. Councilwoman Leonard moved to adopt the public utility tax ordinance, seconded by Councilwoman Scarbrough. Yes - Scarbrough, Leonard, Seffinga, Branca and Shepard. No - no one. Motion carried by a 5/0 vote.

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