

TOWN OF HAYMARKET, VIRGINIA
Chartered 1799
County of Prince William

HAYMARKET TOWN COUNCIL

JANUARY 6, 1997

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 regular meeting of the Haymarket Town Council to order at 7:30 p.m. Mayor Kapp led Council in the Pledge to the American Flag. Councilwoman Leonard led the Council in prayer.

Minutes of the December 2 meeting

Councilwoman Scarbrough moved to dispense with the reading of the minutes and approve noting any corrections, seconded by Councilman Seffinga. Motion carried by unanimous vote.

Police Department

Sgt Bockey reported 22 traffic violations, 2 accidents, 1 criminal charge, 26 calls-4 reportable. Sgt Bockey states he has received a \$1000 donation from the Hay Market Masons for a juvenile program. Sgt Bockey submitted a proposal for a '97 police vehicle. He states the '93 Ford has had several problems recently.

Treasurers Report

A balance of \$39,461.33 was reported in the First Virginia Bank operating account.

Unpaid Bills

Councilwoman Leonard moved to approve \$174.24 in unpaid bills, seconded by Councilwoman Scarbrough. Motion carried by unanimous roll call vote.

Railroad Alignment

Steven Kalish, an attorney in the District of Columbia, spoke to the Council in regard to the railroad alignment and merger of Conrail and CSX Conrail.

Business License

Keith Tinkham - 6728 Madison Street - home business - sales of flush systems to auto dealers - no equipment on premises. Councilwoman Leonard moved to approve, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

James Durham - Town & Country Auto Sales/Salvage/Rebuilding - 15161 Washington Street (Precision Engineering and Manufacturing location) - Councilwoman Leonard moved to approve, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

J D Services, T/A PW's Eatery - name change from Matthew's Restaurant - 14914 Washington Street - Councilwoman Leonard moved to approve, seconded by Councilman Branca. Motion carried by unanimous vote.

Noell Inc. - 6612 James Madison Highway (Annandale Millwork facility) - crane service, rentals, sales - property zoned Industrial-1, all activity under roof. Councilwoman Scarbrough moved to approve, seconded by Councilman Seffinga. Motion carried by unanimous vote.

Carl Carey, Merrifield Auto Sales, Inc. T/A Select Auto Brokers - 6707 Jefferson Street #4 Councilwoman Leonard asked if this is the standard vehicle dealer. She was assured it is. Councilwoman Leonard moved to approve, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Sign Permit

Select Auto Brokers - 6707 Jefferson Street #4 - Councilwoman Scarbrough moved to approve, seconded by Councilwoman Leonard. Motion carried by unanimous vote.

Building Permit

Lanson Wood, Lanwood Development, 18th Century Haymarket, Lot 1, 6751 Fayette Street - Mayor Kapp asked about water and sewer. Mr. Wood responded they will use the well behind lot 1, well has been approved for four houses. Sewer is there across the street. **Councilwoman Leonard moved to send to the PC and ARB pre-approved providing it meets with the requirements of the Building Official, seconded by Councilwoman Scarbrough.**

In discussion Councilman Branca asked about the subdivision plans. Mrs. Bailey stated they were submitted one and one half years ago and they will have to re-submit as the plan expires after one year. Councilman Branca states they need grading plan for erosion and sediment provision by Tuesday January 7 for the Planning Commission meeting. Also the site plan showing a common driveway splitting two parcels. Councilman Branca states the easement will have to be made before the transfer of property. Councilwoman Leonard noted a dormer in one of the plans - she asked if it is a dummy, yes was the answer. Mr. Wood states this model is 2,400 square feet with an unfinished basement. The starting price will be just over \$200,000.

Motion carried by unanimous vote.

Ryan Homes, 6958 Jockey Club Lane, Section 2, Lot 48, house type change to Ravenwood. Councilman Branca moved to send to PC pre-approved, seconded by Councilman Seffinga. Motion carried by unanimous vote.

Ryan Homes, 6929 Jockey Club Lane, Section 2, Lot 56, house type change to Chandler-B Councilman Branca moved to send to PC pre-approved, seconded by Councilwoman Leonard. Motion carried by unanimous vote.

U. S. Home - 14908 Greenhill Crossing Drive - Section 2, Lot 24-Avalon D - Councilwoman Leonard moved to pre-approve and send to the PC, seconded by Councilman Seffinga. Motion carried by unanimous vote.

U. S. Home - 14912 Greenhill Crossing Drive - Section 2, Lot 25-Birchfield-C Councilwoman Scarbrough moved to pre-approve and send to the PC, seconded by Councilman Seffinga. Motion carried by unanimous vote.

U. S. Home - 14895 Greenhill Crossing Drive - Section 2, Lot 40-Avalon C - Councilman Branca moved to pre-approve and send to the PC, seconded by Councilman Seffinga. Motion carried by unanimous vote.

U. S. Home - 6941 Jockey Club Lane - Section 2, Lot 53-Birchfield - Councilman Branca moved to pre-approve and send to the PC, seconded by Councilwoman Leonard. Motion carried by unanimous vote.

U. S. Home - 6937 Jockey Club Lane - Section 2, Lot 54-Glenhaven-D - Councilwoman Leonard moved to pre-approve and send to the PC, seconded by Councilman Branca. Motion carried by unanimous vote.

Special Use Permit

James H. Durham, Town & Country Auto Sales, Salvage and Rebuilding - 15161 Washington - Street - Councilwoman Leonard moved to approve providing Mr. Durham complies with our salvage ordinance, seconded by Councilman Branca. Motion carried by unanimous vote.

Councilwoman Leonard moved to set the fee at \$100, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote. Council requires payment for all previous years (4-1993 through 1996)

Wolfe Industrial Auction - 6612 James Madison Highway (Annandale Millwork facility) - January 24 auction. - Councilwoman Leonard moved to approve at fee of \$150., seconded by Councilwoman Scarbrough. Motion carried by unanimous vote. Confirmation of bond held by Gene Frogale required at Town Hall.

Citizen's Time

Mrs. Bailey asked if there is anything we can do about the tires at Lane's Motor Sales, next to Matthew's Restaurant. Mayor Kapp states he will speak with Larry Terry, the new tenant, about them.

Planning Commission

The Town Council sent to the Planning Commission a variance request to create a new district for a grocery store in the industrial zone. The Planning Commission needs to get the new directive of a zoning text amendment that allows the grocery store use larger than 3,000 square feet in the B-2 which would allow a grocery store in I-1 zoning. It was stated the County allows up to 30,000 square feet for a grocery store and parking requirements are 1 parking space per 200 square feet of retail space. The Planning Commission may want to take a look at up to 45,000 square feet for the grocery store and the parking requirements.

Council directed to schedule a public hearing on February 3, at 7:00 p.m. Councilman Branca asked if we want to look at landscape requirements. It was stated the ARB will work on the landscape plan.

Councilwoman Leonard moved to accept the staff recommendation and refer to the Planning Commission to study and schedule a public hearing, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Sign Violation

Barbara's Old Bank Cafe on Washington Street - neon sign - Mayor Kapp states the "open" neon

sign in the transom window of the front door is in violation of our sign ordinance. He will speak with the owner and ask them to remove the sign.

Architectural Review Board

Councilwoman Leonard states the ARB looked at house applications at the last meeting. The main discussion at the last ARB meeting was about the street scape and planned conceptual development plan. Councilwoman Leonard states the ARB voted unanimously two meetings ago that we do a conceptual development plan with actual sketches of Washington street, an entire section drawing, consulting with the property owner as to their future plan for their property, to give guidelines for people to know what we want and need to create a facade.

Councilman Branca states the questions seems to be do we want a detail sketch. Councilman Seffinga has two concerns (1) consulting with the property owner, (2) doing a complete street scape on both sides of the street. He does not believe we can make the property owner do our plan and it would be very costly.

Councilwoman Leonard states if we do the types of things we already have and show the detail we expect. Councilman Branca states it sounds to him that if we have standards everyone has to comply to them, including architectural features, landscape and brick sidewalks.

Councilwoman Leonard states the street scape has been adopted. We do not have a conceptual plan. Councilman Branca states we may want to capture our "intent". Councilwoman Scarbrough thinks we need some standards. Councilman Branca states they go hand in hand. We need guidelines and conceptual plan.

Mayor Kapp asks if we want to do all of Washington Street or do four or five buildings of different types of shops to show what we want. Councilwoman Leonard states we know what several blocks are going to be so we could have the concept so the property owners can see, you will get the owner to cooperate more readily.

Planner Liz Via states she will get samples of other jurisdictions standards. Councilwoman Leonard states we should have our conceptual plan in writing and we should have Liz help us. Liz will provide examples to the ARB with different levels of guidelines. Mayor Kapp will be sure everyone gets a copy.

Councilwoman Leonard would like to see the old fire house be done in sketch and this block (Town Hall block). Planner Via states it would be more than applicable to have a rendering of the old fire house.

Old Business

ISTEA grant - John Elkins of BDE presented Council with a proposal (of \$79,000) for the transportation detail. Mayor Kapp states Councilmen Seffinga and Branca saved the town \$20,000 by reviewing the proposal and recommending changes. Councilman Branca and the Mayor reviewed the proposal with VDOT. VDOT offered to help the town wherever they could. This proposal includes 300' west of Fayette Street to 300' east of Madison Street. Councilwoman Leonard asked if we have to acquire the property. Mr. Elkins states easement is needed for sidewalk in some areas. VDOT wants a 5' bike lane, we want a 4' bike lane. VDOT wants a scaled down design going to each end of town.

Councilman Branca states the cost is reflecting VDOT & federal requirements and procedures.

Mr. Elkins states if we were not required to meet those standards we could cut the cost by 30%.

Mayor Kapp states the ISTE A grant does not cover cost of the curb for normal street construction but Supervisor Ed Wilbourn has \$40,000 for street improvements for the Gainesville District, some of which he will let us have for curbs.

The drain lines have been included in the proposal.. Councilman Seffinga asked how this time works with the installation of water. Mr. Elkins states that will come later. We are trying to get the storm drains in with the water. Mayor Kapp says if VDOT does not pay for drain lines he will go to the contractor who is installing the water and get the cost to put in the drain lines concurrently when the water goes in.

Councilwoman Leonard asked how long for the whole design process. Mr. Elkins states that due to hearing and meeting requirements it will be August before it can go out to bid.

In regard to the utility poles. Mrs. Fry (VDOT) is checking but feels that if you are putting in new VDOT work in the right-of-way the utility company may have to pay to move the utility poles. Mrs. Fry will study and determine who pays.

Councilman Branca states there is still some effort in regard to public hearing charges in the proposal. Mr. Elkins states he assumes we will want some drawings for the hearing. Mr. Elkins has five hours of his time allocated in this cost. Councilman Branca recommends on the public hearing to only approve a maximum of five hours of Mr. Elkins time stipulating "hourly not to exceed".

Councilman Branca questions special design drawings (c-01). Mr. Elkins responded these are safety designs-detours R-O-W revision, construction sequence safety zone work required.

Councilman Seffinga asked about property tee's, page 27. Mr. Elkins responded this is for modified drainage drawing, revisions happen when negotiating with property owners.

Councilwoman Leonard asked what payment phases are expected. BDE expects to be 55% done in sixty days - the first bill initiated late in the month following the month in which the charges accrued, will be due in thirty days. Mayor Kapp does not know pay back time from ISTE A funds. Mr. Elkins states typically VDOT takes 45 days for payment. Mr. Elkins states they will work with us if we want to put some language in the proposal. Councilwoman Leonard states we may want to state BDE will wait for our payment if we will bill VDOT upon receipt of BDE bill and we will forward payment as soon as we receive it from VDOT.

Councilman Branca asked if we will have any trouble awarding a \$80,000 contract to BDE. Mayor Kapp states no. Mr. Elkins states they do VDOT contracts and have been audited.

Councilwoman Leonard states the Council is grateful for the time and money the Mayor, Councilman Branca and Councilman Seffinga have saved the town.

Councilman Seffinga moved to accept the agreement for professional services by BDE for the engineering work on the ISTE A grant as outlined before us with the stipulation that the payment terms be such that when we receive a bill from BDE we will forward it immediately to VDOT and BDE will wait until we get paid from VDOT, and the tasks shown are hourly not to exceed the total estimate of \$79,732.82 with the understanding we will get hourly bills and items not

performed will not be paid for, seconded by Councilwoman Scarbrough. Motion carried by unanimous roll call vote.

Addendum to proposal #1 and #2 to do minimum necessary for VDOT for horizontal alignment for here to Route 15 and here to east end of town. These proposals give a design view to the town limits VDOT is requiring.

Councilman Branca states that gives us the intent for developers to see what is required. Includes plat plan, site plan, cross section where curb and sidewalk and driveways are located.

Councilwoman Leonard would like the ARB to have input if this is part of the street scape.

Councilman Branca and Mr. Elkins say the ARB will have to review the plans. Mr. Elkins states the plans for the street in front of the Town Hall will show the sidewalk, street lamps, shrubs, trees and planters if that is what the Council wants. Council will have approval at any stage they want. Councilwoman Leonard states she does not think the hands on will be the same as if we had our landscape engineer who is on the ARB.

Councilwoman Leonard asked if we can table addendums #1 and #2. Councilman Seffinga asked why. Councilwoman Leonard states she would like to discuss this further. Councilman Seffinga states he doesn't feel we will get this any cheaper. Councilman Branca states this is the transportation elements (ground and under) of the street scape, not the enhancements (architectural-landscape). This detail defines the location of the curb, show VDOT we have a transportation system that works through town.

Councilwoman Leonard moved to approve addendum #1 and #2, seconded by Councilwoman Scarbrough. Motion carried by unanimous roll call vote.

Addendum #3 - This cost not covered by ISTEAs. We have to apply for the second phase for ISTEAs. This estimate would be to redo the first application for Madison Street to the east end of town. Detail construction drawing of side walks is part of the proposal. Councilman Branca states elements we are lacking are the architectural for buildings which Planner Via will bring from other jurisdictions.

Councilwoman Leonard moved to approve addendum #3, seconded by Councilman Seffinga. This application must be in Richmond by January 31st. Councilwoman Leonard amended motion to include "hourly not to exceed \$2900.", amendment to motion seconded by Councilman Seffinga. Motion carried by unanimous roll call vote.

Benches - ISTEAs grant - Mayor Kapp told the Council about park benches he saw in Farmville that were 5' wide, dark green wrought iron. The store owner gave him a price of \$275.00 plus tax each for 6 or 8 with a total delivery charge of \$50. These benches come unassembled. Council asked for pictures to be sent for the ARB to look at the next meeting.

Councilman Seffinga moved to purchase 10 park benches at \$275.00 plus tax and delivery maximum, pending approval of the photo by the ARB, seconded by Councilwoman Leonard. Motion carried by unanimous roll call vote.

Additional Town Council meeting - Councilman Seffinga moved to schedule another meeting to address tabled matters, seconded by Councilman Branca. Meeting scheduled for Monday,

January 13 at 7:00 p.m., snow date January 20 at 7:00 p.m. Motion carried by unanimous roll call vote.

Water District

Mayor Kapp asked Council to review his request to extend the water line to more areas. Tabled.

Western Bypass - tabled

Spring Festival - tabled

Floor - tabled

Employee Handbook - tabled

Street scape - in process

Kruse corner - on VDOT list to do

BPOL - tabled

New Business

Answering machine - Vice Mayor Shepard to look at

Sovereign Immunity - Attorney Steketee states the Commonwealth of Virginia is proposing to abolish sovereign immunity which leaves individuals who perform governmental functions exposed to suits for negligence. Attorney Steketee is recommending each individual to write to our representatives to let them know how they feel. Attorney Steketee will draft a resolution for Council consideration at the January 13 meeting.

Public Utility Tax - tabled

Tourism Advisory Council - the Park Authority has recently taken over this responsibility and they have requested a representative from Haymarket. Mayor Kapp asked for any volunteers, there being none, Mayor Kapp will be the town representative.

Railroad alignment - Mayor Kapp states if we want Steve Kalish to help us we should set up a fund for donations and if we ask him to represent us we'll have a fund established. The Mayor has had individuals say they would contribute toward this cause. Mayor Kapp states Surface Transportation Board will act in a month or two on the merger of Norfolk Southern and Conrail CSX.

Councilwoman Leonard moved to establish a fund with beginning contribution from the town of \$2,000 for legal assistance by Mr. Kalish, seconded by Councilwoman Scarbrough. In discussion Attorney Steketee states he would like to look at mingling private and public funds. Tabled to January 13 meeting.

Street light purchase program - Mayor Kapp encourages the Council members to sell street lights and park benches.

Town Hall front steps - Mayor Kapp states he has a bid for \$350 for flagstone work and \$150

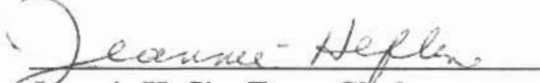
from King for the frame. Tabled to January 13 meeting.

Greenhill Crossing construction bonds - expired October, 1996, they have requested for an extension of one year. Councilwoman Scarbrough moved to approve the extension of the construction bonds for Greenhill Crossing, seconded by Councilman Branca. Councilwoman Scarbrough amended her motion to include "as long as the bond amounts are the same". Councilman Branca seconded the amendment. Motion carried by unanimous vote.

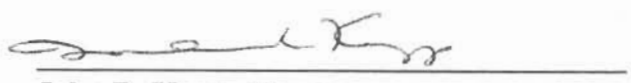
Adjournment

Councilman Seffinga moved to adjourn the meeting at 11:37 p.m., seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

RESPECTFULLY SUBMITTED:


Jeannie Heflin, Town Clerk

APPROVED:


John R. Kapp, Mayor

tc1797