

**TOWN OF HAYMARKET, VIRGINIA**

**Chartered 1799**

**County of Prince William**

**HAYMARKET TOWN COUNCIL**

**AUGUST 5, 1996**

**MAYOR**

**John R. Kapp**

**ATTORNEY**

**Peter Steketee**

**COUNCIL**

**James Shepard, Vice Mayor**

**Mary Lou Scarbrough**

**Dottie Leonard**

**Bob Seffinga**

**Mark Branca**

**Richard Bird (absent)**

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Mayor Kapp opened the regular August meeting at 7:30 p.m. with the Pledge to the American Flag. Councilwoman Leonard led the prayer. Roll call found all members present with the exception of Richard Bird.

**Minutes of the July 1 meeting** - Vice Mayor Shepard moved to approve minutes with corrections noted and dispense with the reading of the minutes, seconded by Councilman Branca. Motion carried by unanimous vote.

**Police Department**

Sgt Bockey reported in July there were 40 traffic citations, 22 speeding, 10 reckless driving, 2 criminal arrests. Sgt Bockey and Officer Roop attended training, on new law enacted July 1, 1996, at Manassas Police Dept. Lafayette Day went well. Sgt Bockey reported the police department now has pagers for all three officers through the Prince William Police Association. Work has started on the walls and door in the Police Dept. Sgt Bockey would like clarification of the identification ordinance Attorney Steketee submitted. A few juvenile problems have cropped up recently.

**Treasurers' Report**

The Treasurer reported a balance of \$57,283.45 in the operating account at First Virginia Bank.

**Unpaid Bills**

The Treasurer reported \$2,500.15. Councilman Seffinga moved to approve unpaid bills, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

**Delinquent Real Estate Taxes**

Councilwoman Leonard would like to have the information and a warning of posting and advertising delinquencies in the newsletter and notices to delinquents before we publicize. Council approved an article in the newsletter.

**Town Clerk Vacation Request**

Councilwoman Leonard moved to approve vacation request from the Town Clerk, seconded by Councilman Seffinga. Motion carried by unanimous vote.

**Business License**

Building Official's request - Mayor Kapp states Gary Eddy has requested to see all business

licenses to review any change of use for building code requirements. Councilman Seffinga states if business is staying in the same use he doesn't see why Gary Eddy needs to see it. Councilman Branca states we may want to have Gary Eddy stop by and look at all approved business licenses and not have approval of the business license pending his approval.

Allstate Insurance-Larry DeVought- 15000 Washington Street - no change of use -  
Councilwoman Leonard moved to approve business license for Allstate Insurance, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Bell Atlantic - 15175 Washington Street - telecommunications facility - 150' pole replacing existing 163' pole. Council momentarily deferred to Building Permit.

Councilman Seffinga moved to table the application for business license until Bell Atlantic Ninex submits a written proposal in regard to gross receipts, seconded by Councilwoman Leonard. Motion carried by unanimous vote.

Victory Harvest Christian Day Care - Troy Hendrickson - Alan Gossom asked about Rev. Hendrickson's business license which was approved pending a fire marshall inspection of the facility at 15000 Washington Street. Alan states the conditions have been met. Mayor Kapp asked about the Fire Marshall inspection. A copy of the inspection report was submitted to Council. Mayor Kapp states the local Fire Department's inspection is sufficient to satisfy the business license approval. Permit was granted.

#### **Building Permit**

Beverlee Fitzgerald - 6615 Brave Court - deck - Councilwoman Leonard moved to send to PC and Building Inspector pre-approved, seconded by Councilman Branca. Motion carried by unanimous vote.

U.S. Home - Section 2, Lot 25 - Glenhaven - Councilwoman Leonard moved to send to PC & Bldg. Official pre-approved, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

U.S. Home - Section 2, Lot 29 - Birchfield - Councilwoman Leonard moved to send to PC & Bldg. Official pre-approved, seconded by Vice Mayor Shepard. Motion carried by unanimous vote.

U.S. Home - Section 2, Lot 31 - Glenhaven - Councilwoman Scarbrough moved to pre-approve and send to PC & Bldg. Official, seconded by Councilman Seffinga. Motion carried by unanimous vote.

U.S. Home - Section 2, Lot 38 - Birchfield - Councilwoman Scarbrough moved to pre-approve and send to PC & Bldg. Official, seconded by Vice Mayor Shepard. Motion carried by unanimous vote.

U.S. Home - Section 2, Lot 40 - Cypress

U.S. Home - Section 2, Lot 41 - Birchfield

U.S. Home - Section 2, Lot 44 - Birchfield

U.S. Home - Section 2, Lot 60 - Glenhaven

U.S. Home - Section 2, Lot 61 - Glenhaven

Councilman Seffinga moved to pre-approve and send to PC & Bldg. Official, seconded by

Councilwoman Leonard. Motion carried by unanimous vote.

Bell Atlantic Ninex - 15175 Washington Street - Frank Stearns, attorney for Bell Atlantic presented Bell Atlantic's request to remove current 163' pole and two sheds and replace with one 150' pole and one 12'x30'x10'high unmanned pre-fab equipment building. Joseph Joyce, engineer, states the pole will be galvanized steel with nine antennas on top of the pole. Bell Atlantic has filed with FAA & SEC. Mr. Stearns states there is the capability to add on two more carriers at ten foot intervals lower on the pole. Dimensions of the tower triangle is 50" width, 12" height each leg. Mr. Stearns states the steps at the bottom of the tower can be as high as we want to keep people off the steps. They are shown at 10' on the plans.

Councilwoman Leonard moved to send to the PC, ARB and Building Official. Mr. Stearns states the projected time to begin would be 60 days after building permit is issued.

The question of how gross receipts tax is determined was brought up. Mr. Stearns states there is no way to determine income. Councilwoman Leonard asked what they pay in other jurisdictions. Mr. Stearns states he does not know but he will research on how to figure the town's income from the tower.

Councilman Branca moved to pre-approve contingent upon PC and ARB and Building Official approval, seconded by Vice Mayor Shepard. Councilman Seffinga wants to take time to research the gross receipts. Discussion as to possibly not pre-approve but send to PC, ARB & Building Official and wait for their input. Motion failed 2 (two) for, 3 (three) against.

Councilwoman Leonard moved to send to PC, ARB & Building Official, seconded by Councilman Branca. Motion carried by unanimous vote.

#### **Building Permit**

James A. Gossom - 14851 Washington Street - addition - Councilwoman Leonard moved to send to PC, ARB & Building Official pre-approved pending approval, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

John Cybulski - 14950 Madison Court - sun room addition - Councilwoman Leonard moved to pre-approve and sent to PC, ARB & Building Official, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Ryan Homes - house models - Devonshire, Saxton, Chandler, Ravenwood, Stanford and Whythe - Councilman Seffinga moved to pre-approve building permit application for above stated house models pending approval of PC, ARB and Building Official with the stipulation the foot print must stay in the limits of town code and house type must be the same as on the building permit application, seconded by Councilman Branca. Motion carried by unanimous vote.

#### **Citizens Time**

##### Town Hall benches

Mr. Bear recommends the Town Council to put pads on backs of the benches or replace them with chairs. Councilwoman Leonard moved to look into replacing the benches, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

#### **Old Business**

ISTEA grant - meeting on Friday, September 6 in Culpeper at 10 a.m.  
The Masonic Lodge voted to purchase three street lights.

Railroad realignment - study had 17 routes is now down to 4. One route comes up from Nokesville on Linton Hall Road crosses 29 and proceeds on existing line. Another route comes up from Manassas behind the Texaco station in Gainesville, across the Lerner property across Catharpin Road. Mayor Kapp wrote letter to Commissioner Gehr and addressed the Prince William County Board of Supervisors. The Mayor states two groups are suggesting when new Route 66 interchange at 29 is planned to take the rail down the middle of Rt. 66 or north of Route 66 at Jordan Lane. Mayor Kapp submitted a petition opposing the train realignment through Haymarket.

Mayor Kapp reports there is a public meeting scheduled for August 21, Wednesday from 5-8 p.m. at Mountain View Elementary and August 22, Thursday, from 5-8 p.m. at Jennie Dean in Manassas.

Railroad Realignment Resolution - Councilwoman Leonard moved to approve the Railroad Realignment Resolution, seconded by Councilwoman Scarborough. Motion carried by unanimous vote.

Councilman Branca would like to suggest amending the above motion to include environmental impacts. Mayor Kapp states he will amend paragraph 3 to include environmental impacts. Councilwoman Leonard moved to amend her motion to include environmental impact statement, seconded by Councilwoman Scarborough. Motion carried by unanimous vote.

Haymarket Day - Mayor Kapp states he met with Pam Stutz and the Ruritans to discuss Haymarket Day. The Mayor asked for help for the event.

#### **New Business**

Washington Street Water District Ordinance - Mayor Kapp states as of July 1, 1996 the state code allows the town council to set up a water district. The property owner and businessmen group would contribute \$3747 per acre for Washington Street property owners and others. This would be a voluntary contribution for anyone on Route 55 and a few laterals down Jefferson Street. If we pay for 8" water line PWCSA will install an 18" line at the 8" cost to us. This ordinance gives authority to establish and collect monies from people who want to be involved. The triggers for payment to the water district are when the property is sold or rezoned. The pro-rata share becomes due and payable as a tax lien. Councilman Branca is not in favor of a tax burden on the owner.

Mayor Kapp states he would like to send out a packet detailing the district, certified mail, to all property owners. This will not take place unless we pass the ordinance and we make an agreement with the PWCSA on details. We would have to come up with \$319,000. The Mayor has commitments from Sheetz, Costello, the old Orndoff Property purchasers, Lewis Leigh, First Virginia Bank and Dr. Ayers. Guy Gravette is recommending this to his consortium. The Mayor states he probably has half of the property owners now.

Councilman Branca asked Attorney Steketee if the PWCSA needs to be a signee for the Ordinance. No - he states. Should the agreement come at the same time as the ordinance? Not necessarily, he states, you could establish an ordinance and then pursue the agreement. Councilman Branca says water is positive for the town but he is against a separate water taxing

district. He would rather see it as a connection fee. He feels the water district boundary should be the boundary of the town and make any new construction required to connect to water.

Councilwoman Leonard feels any commercial structure or property will get substantial benefit from water. She understands from the Mayor they (property owners) are not required to hook up or pay now.

Councilwoman Leonard moved to schedule a public hearing in anticipation of approving the ordinance and letting the people come and give their opinion. Motion failed a second.

Attorney Steketee states the triggers for collection should not be included in the ordinance, that should be written as policy.

Councilman Seffinga states including the whole town in the original district would slow the process and complicate the beginning. The ISTE A grant approval pushes us to get water down Washington Street to proceed with the street scape.

Alan Gossom feels PWCSA should pay for all the water line - even if we put the line in we still have to pay the tap fees with no discount.

Councilman Branca feels our policy should be outlined at the time of the public hearing. Mayor Kapp states the proposal will go before the water group at the next meeting August 13. Attorney Steketee states this public hearing requires publishing in the newspaper three weeks prior to the hearing.

Councilman Seffinga moved to pass on to public hearing, properly advertised, seconded by Councilwoman Leonard. In discussion Councilman Branca states we definitely need to get policy in the hands of affected people. Councilman Seffinga states maybe we should hold off on policy until we hear the issues raised by the citizens. Mayor Kapp to get a draft policy for the August 13 meeting. Motion carried by unanimous vote.

#### **Haymarket Day**

Councilwoman Leonard has located a remote controlled car "Turbo Thruster" at Radio Shack for a total of \$52.21 which includes tax. Matthew's is donating a gift certificate for \$50. Councilwoman Scarbrough states she will have the lawn equipment.

Councilman Branca moved to approve \$52.21 for the Turbo Thruster remote control car, seconded by Vice Mayor Shepard. Motion carried by 5/0 roll call vote.

Mayor Kapp invited the council members to get some afghans to sell. He would like to make a rack out of PVC to display tee shirts and afghans. Vice Mayor Shepard moved to purchase 1" PVC to make display rack for afghans and tee shirts, seconded by Councilwoman Scarbrough. Motion carried by 5/0 roll call vote. The money is to be refunded to the town upon the sale of the afghans.

VDOT has approved the closing of the road for Haymarket Day from 10:45 to 2 p.m., truck traffic will be restricted from 8 a.m. to 5 p.m. Sheriff Stoffregan states he will send extra manpower for the day. Councilman Branca asked Sgt Bockey how much extra help he would like. Sgt Bockey states he would like five extra people. Sgt Bockey states he will need more help from 10:30 to 1 p.m. as he will be in the parade.

Plan Hangers - are in.

CABO/BOCA books - are in.

Bathroom renovation - to be taken up after the termite work is done.

Termites - The termite companies have states if they can not get to the termites they will not guarantee the work. Mayor Kapp states under the joists is logs which are infested with termites. He states we could dig 12"-18" of dirt out. The only way to see the damage is to tear up the floor, then put in new joists, put in long center beam and concrete piers. Mayor Kapp states the bids from contractors are \$9,000 - \$12,000 and it is estimated to take two to three working weeks.

Mayor Kapp stated he would have liked to do it in August between this meeting and the September 9th meeting. He states Don Costello offered two rooms in the Payne house for office space for the restoration period.

Mrs. Turner states she would like to get the historical architect from Winchester to make suggestions.

Mayor Kapp states Terminix will guarantee the treatment without tearing the floor up. He states they put chemical bait out that the termites feed on and take back to the colony.

Councilwoman Leonard states 2 1/4" oak flooring is what is standard. She would like to know what the floor should have had in it. Councilman Seffinga notes differences in the construction bids.

Alan Gossom offered to have his men do the excavation at cost. Councilman Branca asked if you dig out (under the Town Hall) how do you intend to drain (it)?

Councilman Seffinga wants bids to reflect: installing insulation under floor, floor material to be period appropriate, colonial trim, bathroom project on separate bid, all bids conforming to the same specifications, water line pipe stub.

Councilwoman Leonard says Richard Labrozzi does a great job on floors.

Council would like a bid also to frame the front stoop.

Termite Treatment - Orkin - no guarantee even if we take up the floor. Terminix - chemical Treatment effective one year, renewable. Western - no guarantee.

Councilwoman Leonard moved to use Terminix, seconded by Vice Mayor Shepard. Motion carried by 5/0 roll call vote.

Employee Handbook - tabled.

Street Scape - tabled.

Town Entrance signs - for each end of town the same sign as in front of the Town Hall. Costello will pay for in proffer. GTE is coming September 17, 18 & 19 to take pictures for the economic development brochure. Don Costello has offered for the town to place the "Welcome To

Haymarket" sign on his grassy lot in front of Century Stair. Council consensus is it is too far into town for an entrance sign. Vice Mayor Shepard states Sheetz will not let anyone place a sign on their lot. Mayor Kapp states Ed Milhous is drawing up a landscape design for the west end of town and VDOT will plant it for us.

Councilwoman Leonard moved to have two signs made and collect any contributions toward purchase at the trigger. Signs be identical color and style to sign in front of the Town Hall currently and wording be the same except to include Welcome to Town of Haymarket, maximum monetary cap of \$4000, seconded by Vice Mayor Shepard. Motion carried by 5/0 roll call vote.

Kruse Corner Grate - tabled.

Jeannie's requests - tabled.

Curfew Ordinance - The identification statute used by Arlington County was presented to Council. Attorney Steketee states it does not supplant what you have as a curfew ordinance but does give officer occasion to questions suspicious people. The curfew ordinance submitted at the July meeting by the Police Dept required conditions that presented enforcement problems. Virginia has not given us authority to hold parents responsible for children and you can therefore end up babysitting violators to curfew.

Councilwoman Leonard moved to have public hearing on ordinance identification, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Capital Improvement Plan - tabled.

Metropolitan Plants Contract FY '97 - Mayor Kapp presented the proposal for FY '97 from Metropolitan Plants. Vice Mayor Shepard moved to continue to use Metropolitan Plants at \$138.33 per month, seconded by Councilwoman Scarbrough. Motion carried by 5/0 roll call vote.

#### **New Business**

##### Office for the Mayor

Mayor Kapp asked Council to consider creating two offices upstairs by installing a wall and a door in the middle of the Historical Commission Chairwoman's office. There is leftover 2 x 4's and wall board from the Police Dept renovation. Councilwoman Leonard moved to put up wall and door with a monetary cap of \$100, seconded by Councilman Branca. Motion carried by a 5/0 roll call vote.

Greenhill Crossing Roll Back Taxes - Mayor Kapp states the Town Clerk sent the original bill to John Manganello at H/P Companies, at his request, at the Fairlakes Circle address, not the Woodbridge address the County has on land records. H/P Companies stated they did not receive the original bill and are therefore disputing the late penalty. Councilman Seffinga moved to send a letter to H/P Properties stating the bill was sent to them the first time at the address of John Manganello's request and the bill was paid late therefore the penalty stands, seconded by Councilwoman Leonard. Motion carried by unanimous vote.

#### **Correspondence**

E&S course - Councilman Branca is interested.

ITSVA workshop - Annandale August 22.

Town Clerk Request to attend Municipal Clerk Institute at Norfolk - September 23 - 27.

Councilman Branca asked if we have training budget. There is \$2000 allotted for training. Councilwoman Leonard moved to approve \$375 plus gas expenses and \$100 for meals, seconded by Councilwoman Scarbrough. Motion carried by 5/0 roll call vote.

Town of Alexandria - Managing Planning & Zoning Records - August 26th

Variance Ordinance - Mayor Kapp states Haymarket does not have a variance ordinance. The proposed shopping center on the west end of town will require a variance from 3,000 sq. ft. maximum per store for a grocery and restaurant site. Attorney Steketeer will check into. Councilman Branca says there was discussion that we would look into "by right."

Copy cost - Councilman Seffinga moved when the Town Clerk makes copies that requires research and pulling records she charge \$.50 per page, seconded by Vice Mayor Shepard. Motion carried by unanimous vote.

Newsletter "suggestion box" - Council asked the Town Clerk to include a 1/4 page at the bottom of the newsletter for suggestions for changes in town that residents may drop off in a box or send in the mail.

#### **Planning Commission**

At the July meeting there was discussion from John Duckett about parking on Hunting Path Road. VDOT did not agree with no parking signs on that road. The biggest complaint is the camper parked on that road.

#### **Building Permit Fees**

Councilwoman Leonard states Mr. Bear is concerned with the current fees charged for building permits. He feels we charge too much.

#### **Historical Commission**

Mrs. Turner thanked the helpers for Lafayette Day. She states we received \$350 contributions and donations of food. The Historical Commission voted to give St. Paul's \$50 for the use of the Parish Hall.

Mrs. Turner states the commission met Thursday night and discussed the bicentennial. They'll start immediately with the program. Mayor Kapp states he is looking for an overall chairman for the events, etc.

#### **Architectural Review Board**

Councilwoman Leonard states at the July meeting the ARB moved to elect a chairman at the August meeting.

#### **Citizen's Time**

Mr. Bear wants to know why we have had an empty (council) chair for two months.

#### **Street Scape**

Brick samples - Mayor Kapp states the brick samples are in.

#### **Fire Tower**



Nancy Bailey asked about the fire tower coming down. Councilwoman Leonard and Mayor Kapp will speak with Richard Bird.

**Internet Training**

Vice Mayor Shepard states the Town Clerk is interested in some training on the Internet.

**Proposed retail center next to Sheetz**

Mayor Kapp mentioned the 3,000 square ft. maximum for commercial space must be addressed for the proposed retail center on the west end of town in order for them to proceed. Councilman Branca suggested Council send to the Planning Commission for recommendation for industrial zoning whether to pursue through the BZA or variance.

Mayor Kapp states Carey Winston marketing study was submitted today. The retail center has a bank, Applebees and Blockbuster lined up. They are looking for a 29,500 square foot grocery store.

**Executive Session**

Councilwoman Scarbrough moved to go into Executive Session Code of Virginia 2.1344-3A1 to discuss personnel matters, seconded by Councilman Branca. Motion carried by unanimous vote.

At 1:00 a.m. Tuesday, August 6 Vice Mayor Shepard moved to go out of executive session and move into regular session, certifying Council only spoke about personnel matters, seconded by Councilman Branca. Motion carried by unanimous vote.

**Planning Commission appointment**

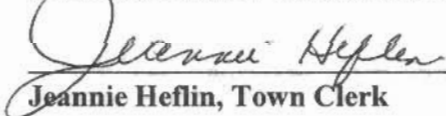
Councilwoman Leonard moved to appoint Mr. Bear to Planning Commission for four years, replacing Bob Seffinga, seconded by Vice Mayor Shepard. Motion carried by 3/1 vote with Bob Seffinga abstaining.

**Town Clerk appointment**

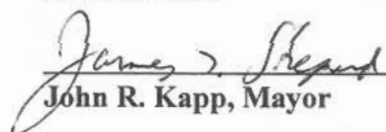
Councilwoman Leonard moved to appoint Jeannie Heflin as Town Clerk, seconded by Vice Mayor Shepard. Motion carried by unanimous roll call vote.

With no further business to discuss the meeting was adjourned at 1:04 a.m.

**RESPECTFULLY SUBMITTED:**

  
Jeannie Heflin, Town Clerk

**APPROVED:**

  
John R. Kapp, Mayor

tc896

8/5/96

**Certification resolution of Executive Session**

WHEREAS, this [council][board] convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia Requires a certification by the [council][board] that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE be it resolved that the [council][board] hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the executive meeting to which this certification applies; and (2) only such public business which the executive meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Upon Motion of Scabrough, seconded by Branca,  
Leonard, Seffenja, Shepard,  
\_\_\_\_\_, \_\_\_\_\_, voting "aye,"

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, voting "nay," this certifica-  
tion resolution was adopted.