

TOWN OF HAYMARKET, VIRGINIA  
Chartered 1799  
County of Prince William

**PUBLIC HEARING**  
**HAYMARKET TOWN COUNCIL AND PLANNING COMMISSION**  
**MARCH 4, 1996**

**Subject: Rezoning 15101 Washington Street R-1 to B-2  
Noise Ordinance**

**MAYOR**

John R. Kapp

**ATTORNEY**

Kristina Keech Spittler

**CHAIRMAN**

Lyssa Whitfield

**CONSULTANT**

Liz Weller

**COUNCIL MEMBERS**

Steve Bean, Vice Mayor

Mary Lou Scarbrough

Nancy Bailey

Debbie Johnson

James Shepard

**COMMISSIONERS**

John Duckett, Vice Chairman

Bob Seffinga

Mark Branca

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Mayor Kapp opened the public hearing at 7:05 p.m.

Rezoning request 15101 Washington Street, Able Properties, applicant

**For**

Mayor Kapp asked for anyone who wanted to speak for the rezoning.

Mr. Creston Owen (non-resident) spoke in favor.

Mr. Joseph Contrucci (non-resident), legal representative for the applicant, spoke in favor and presented the considerable changes in the proffer statement to more fully answer concerns of the council and commissioners.

Mr. Bear spoke in favor.

Ms. Adrienne Crafton-Masterson spoke in favor stating she applauds Mr. Costello for preserving the house. She also states she trusts Mr. Costello will include a residential component in the proposal. She feels the applicant should proffer a guarantee the house be preserved. She states the historic overlay upheld is the most important vehicle to protect Haymarket.

Mr. Don Briand (resident) speaking for the owners of Matthews Restaurant. He feels the project will bring money to this town.

Ms. Sherry Aits (non-resident) states she takes care of the plants in the barrels in town for the Woman's Club. She states she goes out of her way to support Haymarket's business and feels the project will be good for the town.

Mr. Larry Ayers (non-resident) adjacent property owner across the street from the site. He states

this is a beautiful town and it is a unique opportunity. It seems to him the town has all the checks and balances in place to be sure we got what we need.

Mr. Phil Harrover (resident) states Council is working with the developer there is plenty of room to get what the town wants. Mr. Costello should be given a chance to do something with the house.

Fred Price (resident) states he is the owner of one of the few houses remaining built before 1900. He is for the project.

Mr. Brett Winegar (resident) states he hates to see another house be lost. He would like to see the house restored.

Mr. Larry Haney states it seems everyone wants a guarantee for the house, even Ms. Santangelo says there is a need for commercial on that property. He states the people need to trust Mr. Costello. He states the town does have a historic overlay the planning commission and council have control of the project. Even Mr. Kyle talks about seed money but has no specifics.

#### **Against**

Mayor Kapp asked for anyone who wanted to speak against the rezoning.

Ms. B. J. Santangelo (resident), owner of adjoining property, who purchased her property in December of 1995. She is restoring her house to the original state. The historic overlay and comprehensive plan assured her that Fayette Street will remain residential and be protected. She feels the frontage should be commercial but the Payne house and behind should remain residential. Her concerns are traffic, noise, dumpsters, spot lights, etc. She feels very uncomfortable when a comprehensive plan is so easily ignored and not upheld. She states Mr. Contrucci offered to meet with her to see if they could come to a compromise, they have spoken but have not arranged that meeting. Ms. Santangelo states whoever mentioned in the changed proffer there was no addressing landscaping on Fayette St., she states she will comply with the landscape standards. She also says there have been many artifacts from the civil war found on her property. She states Mr. Costello has been very friendly and accommodating since she moved into town that this is not a personal issue.

Ms. Lynda Farr, Hairmarket (resident), states she is concerned because she lives across the street from a real nice yard and lawn (the Payne Property). She would like to know what would cause them to change the plan (GDP).

Mr. Mike Kyle (resident), Chairman of the Payne Property Preservation Committee, states he is against the rezoning. He would like to see the house restored. He is not against progress stating there are other places this could work. Mr. Costello owns property in town that is already zoned commercial where his offices could be located. Mr. Kyle is not against new business in town but he is interested in the preservation of the Payne house. Mr. Kyle states there is seed money for restoration of historic properties that can be obtained to help defray the cost.

Mr. John Duckett (resident) states if the house is moved it loses its historic value. He cites traffic problems particularly on Fayette Street. Mayor Kapp states VDOT requires the standards for streets.

Ms. Dottie Leonard (resident) states she is against the application as presented. She states it isn't

feasible to think the house be moved. She would like to see the back of the property stay residential as it adjoins prime historic property. She would like to see a compromise with components that guarantee the preservation of the house.

Ms. Sarah Turner states Don Costello and Alan Gossom have been very good friends to Haymarket. Mr. Costello assured her they are not going to take the house down.

The hearing on the rezoning was held open until April 1, 1996.

Noise Ordinance

**For**

Mayor Kapp asked for those in favor of the noise ordinance. After three askings no one spoke for the noise ordinance adoption.

**Against**

Mr. Billy Hunt states the ordinance does not address decibels, there is a decibel rating for residential, industrial areas.

Mr. Glenwood Bear talked about his neighbor on Madison Street who makes a lot of noise working on his trucks.

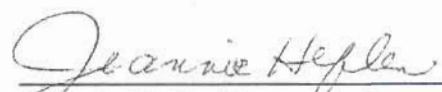
Mr. Fred Price spoke against the ordinance stating we need a decibel range to measure.

Mr. Phil Harrover spoke against the ordinance he agrees the method of measuring noise should be established.

Hearing on the noise ordinance closed at 8:00 p.m.

**RESPECTFULLY SUBMITTED:**

**APPROVED:**

  
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**Jeannie Heflin, Town Clerk**

  
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**John R. Kapp, Mayor**

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**TOWN OF HAYMARKET, VIRGINIA**  
**Chartered 1799**  
**County of Prince William**

**HAYMARKET TOWN COUNCIL - MARCH 4, 1996**

**MAYOR**  
**John R. Kapp**

**ATTORNEY**  
**Turner T. Smith**

**STAFF PLANNER**  
**Elizabeth Weller**

**COUNCIL MEMBERS**  
**Steve Bean, Vice Mayor**  
**Mary Lou Scarbrough**  
**Debbie Johnson**  
**James Shepard**  
**Nancy Bailey**

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Mayor Kapp called the regular March meeting to order at 8:00 p.m. leading the council in the Pledge to the American Flag. Reverend Wilcox led the council in prayer. Roll call found all members present.

**Minutes of the February 5th public hearing and regular meeting**

Councilman Shepard moved to dispense with the reading of the minutes and approve with corrections duly noted. Councilwomen Bailey and Johnson state the attorney advised council not to approve until the minutes are corrected. Motion withdrawn.

Councilman Shepard moved to dispense with the reading of the minutes and to approve the minutes with no corrections noted, seconded by Councilwoman Johnson. Motion carried by unanimous vote.

**Minutes of the February 26th joint work session**

Tabled.

**Minutes of the October 23, 1995 joint work session - Greenhill Crossing**

Vice Mayor Bean moved to approve with no corrections noted, seconded by Councilwoman Bailey. Motion carried by unanimous vote.

**Police Report**

Sgt. Bockey cited 80 traffic violations, 5 criminal, 2 juvenile petitions, 40 complaints, 7 reports for the month of February. Sgt. Bockey states Officer Roop was assigned to the interstate to *help, state police by their request, citing reckless driving problems.*

Sgt. Bockey has been working on the problem Mr. Bear addressed on Madison Street last month.

H/P Companies has written a letter to the town giving permission for the town police to patrol at Greenhill Crossing. There have been complaints that there have been children at the pond at Greenhill. Sgt. Bockey asked H/P to post the property with no trespassing.

### **Treasurers' Report**

The Treasurer read the report showing a balance of \$52,576.20 in the operating account.

Real Estate Tax Interest exoneration - Vice Mayor Bean moved to accept payment without full interest and penalty from Marshall Dorman, seconded by Councilman Shepard. Motion carried by a 4/1 vote with Councilwoman Johnson voting against.

Payment requests - Councilwoman Johnson moved to approve payment requests less the Dictaphone warranty, the goodie bags for the Mountain View Elementary School (expense incurred by Dottie Leonard for her town government segment for the kindergarten class) and to table the Treasurers' Association dues, seconded by Vice Mayor Bean. Motion carried by 5/0 roll call vote.

### **Business License**

Petticoat Junction, Betty Jo Santangelo, applicant, home business, 6740 Fayette Street - Ms. Santangelo states she has an antique business but does not sell out of her home. Her antiques are at other locations but she runs the business out of the home. Councilwoman Bailey moved to approve the business license pending receipt of the gross receipts form, seconded by Vice Mayor Bean. Motion carried by unanimous vote.

### **Sign Permit**

Lightwaves Photography, Carol Schick-Moyer, applicant, 6611 Jefferson Street - addition to existing menu board sign. Vice Mayor Bean moved to approve, seconded by Councilman Shepard. Motion carried by unanimous vote.

### **Building Permit**

Sheetz, Funk and Crabill, applicant, gas line and water heater installation - Councilwoman Bailey moved to pre-approve pending approval by Gary Eddy, seconded by Vice Mayor Bean. Motion carried by unanimous vote.

Payne House, Don Costello, applicant, 15101 Washington Street - repair of house. Vice Mayor Bean moved to approve pending Gary Eddy notification, seconded by Councilwoman Johnson. Motion carried by unanimous vote.

### **Special Use**

Payne Property rezoning, R-1 to B-2 - Mayor Kapp opened the floor to question and answer period. Ms. Santangelo, adjoining property owner, states Mr. Contrucci contacted her to meet with her to address her concerns and after several attempts to set up a meeting they have not as yet met.

Mayor Kapp asked for concerns from the Council and Planning Commission. In regard to joint public hearings, normally the Planning Commission leaves the room to discuss and vote. The Planning Commission Chairwoman has requested a separate public hearing. Chairwoman Whitfield states the Planning Commission will review the revised proffers at the March 6 meeting.

Ms. Leonard states she would like people to know, in response to Billy Hunt's comment "where were the people ten years ago," the property was lived in until two and one half years ago when

Julie Mackall sold it. It was not apparent the property was in disrepair. The historic guidelines were just brought into ordinance within the last two years.

Chairwoman Whitfield states in response to the house just sitting and rotting, it is not an option that the house continue to deteriorate.

Mr. Contrucci states everyone has been fairly aware of what has been happening at the property. There has been no one living there recently. Don has fixed up the small house for his fathers residence. He states the Mayor told him the letter to property owners (property standard letter, in regard to deterioration of property, discussed in January 17 work session meeting) was not going to be sent.

#### **Building Permit**

Ryan Homes, model home on Lot 4, Section 1, Greenhill Crossing - Vice Mayor Bean moved to pre-approve and pass on to Planning Commission and the ARB and Gary Eddy, seconded by Councilman Shepard. Motion carried by unanimous vote.

#### **Sign Permit**

Ryan Homes, temporary sales sign to be placed on Lot 3, Section 1, Greenhill Crossing - Vice Mayor Bean moved to send to Planning Commission, ARB and Gary Eddy pre-approved, seconded by Councilwoman Bailey. Motion carried by unanimous vote.

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

Mr. Harrover asked if the town has sufficient ordinance to control mud and dust. If we don't, why not? He states there has been mud on the street from Greenhill Crossing and the dust has not been effectively controlled. Mayor Kapp states the Virginia Erosion and Sediment Control statute addresses those problems and our inspector is BD&E. Mayor Kapp asked the Town Clerk to call BD&E and John Manganello at H/P Companies to report the problems. Mayor Kapp asked the Planning Commission to look at the ordinances in this regard.

Mr. Harrover asked if the town keeps up with delinquent real estate taxes and put liens on property with the attorney. Mayor Kapp states yes.

Ms. Crafton-Masterson asked about interest on money in the treasury, if we are getting good interest rates. Mayor Kapp gave the certificate of deposit balances and rates.

Mr. Branca says Sgt. Bockey may find something in regard to mud and dust under public safety.

Mr. Kyle asks what is the town doing about clean up of the old Orndoff property. Mayor Kapp states he has spoken with someone in regard to developing that property. Mayor Kapp states they need a Class II or Class III clean up to use the property.

#### **Old Business**

Greenhill Crossing, erosion & sediment control escrow and bond reduction request for Sections 1 and 8 - Mayor Kapp read the letter from BD&E recommending approval of the request. Vice Mayor Bean moved to reduce escrows and the bonds for Sections 1 and 8 of Greenhill Crossing, seconded by Councilwoman Bailey. Motion carried by unanimous vote.

Kruse Corner - Councilwoman Bailey states the committee looked at property at Bristow that has asphalt side walks painted to look like cement. Mr. Gossom states the reason for this method is it costs less money than concrete. Vice Mayor Bean states he hates to see him put in side walks and have them torn up when the water line comes in. Mr. Gossom wants to leave the light island in front of Haymarket Service Center. He states he will start the side walks in the spring and finish in late summer. Mr. Gossom states Land Design drew up the site plan. Councilwoman Bailey moved to approve landscape of Kruse Corner to Town Hall down Jefferson Street to Payne Lane, seconded by Vice Mayor Bean. Councilwoman Bailey amended the motion to include "in lieu of being made to restore to original form," Vice Mayor Bean seconded the amendment. Ms. Crafton-Masterson asked about the brick side walks. Mayor Kapp states that will be addressed later. Motion carried by unanimous vote.

Mr. Kyle asked if the town has a landscape ordinance. Mayor Kapp states throughout the ordinance landscape is addressed.

Comprehensive Plan - resolution to undo last months motion to approve as the February meeting was to be for public comment on the plan. Councilman Shepard moved to rescind the vote on February 5, 1996 adopting the comprehensive plan, seconded by Councilwoman Bailey. Motion carried by unanimous vote.

Mr. Kyle asked if that voids the comprehensive plan does that leave the town with none. The answer was no.

The public hearing to be scheduled for April 1, 1996.

Mr. Kyle asked if the next meeting should be scheduled for a different location from the town hall due to the number of people that may want to attend. Mayor Kapp asked the Town Clerk to call St. Paul's to reserve the Parish Hall for the meeting on April 1 at 7:00 p.m.

Ms. Contrucci asked if there was any change to the comprehensive plan since the last meeting. Ms. Weller stated no.

Wolfe Industrial Auction trailer - tabled

Forms and applications - Planning Commissioner Seffinga states he made changes to the forms, any dated 2/96 had changes, otherwise they are dated 9/95. He is still combining the certificate of appropriateness for sign with the sign permit application. Tabled.

Noise Ordinance - council passed to the Planning Commission to address the decibel question.

Masonic Lodge, 6713 Jefferson Street, rezoning R-1 to B-1 - zoning ordinance amendment read.

Staff Planner - Councilwoman Bailey states with the adoption of the comprehensive plan Ms. Wellers' services will be complete. Councilwoman Bailey moved to employ Ms. Weller as consultant for rezoning application for the Payne property on an "as needed" basis at \$30.00 per hour, seconded by Councilwoman Johnson.

Planning Commission Chairwoman Whitfield asked to have her as permanent staff as needed until further notice as it is her impression there will be a lot of work, i.e., upgrading our ordinances in general as we haven't had quality assistance. Councilwoman Bailey amended motion to include Ms. Weller's participation in Planning Commission meetings and if there is no business for her she will be notified, seconded by Councilwoman Scarbrough. Motion carried by 5/0 roll call vote.

Zoning Ordinance - Vice Mayor Bean moved to accept the rezoning from R-1 to B-1 the Masonic Lodge Property at 6713 Jefferson Street, seconded by Councilwoman Bailey. Motion carried by unanimous vote.

ISTEA - letter received from Bob Cassada of VDOT stating they have received the application. There is a hearing on March 22 in Fairfax.

Ordinance Codification - Mayor Kapp states he thinks this is a good deal (the proposal from Municipal Code Corp., dated 2/23/96). It is \$1,600 less than we budgeted and if we have it done in conjunction with Quantico it will be 10% less than \$7,000. Vice Mayor Bean moved to approve, seconded by Councilwoman Bailey. Motion carried by 5/0 roll call vote. It was stated it will take 12 months for completion.

Computer upgrade - Councilman Shepard states there is a computer show on March 9 in Chantilly. He plans to attend in an effort to purchase needed computer equipment.

Personal Property Tax ordinance amendment - Mayor Kapp states we have been collecting personal property tax on only vehicles all along. It has been determined that business property includes other than vehicles. The attorney states we do not need a public hearing to adopt this ordinance. He also states we only need one reading. Mr. Seffinga asked if it wouldn't be easier to state we only collect tax on vehicles rather than list the things we do not collect taxes on. Vice Mayor Bean moved to adopt the ordinance amendment, seconded by Councilman Shepard. Motion carried by unanimous vote.

Employee Handbook - Councilwoman Johnson passed out a draft copy of the Town Clerk and Police Dept hours, pay, insurance, holidays, sick days, vacation, etc. Vice Mayor Bean states the Town Clerk and Police Dept should be given a copy to look over. Tabled to April

BPOL Tax - the questions of whether we should refund Century Stair 1993 and 1994 gross receipts payment above \$5000. Attorney Smith states Attorney Spitler did not leave a message for him to relay to Council. Attorney Smith states (1) need to amend ordinance to repeal the ceiling, or, (2) go by state code and declare the cap illegal. Mayor Kapp states our gross receipts tax is relatively low compared to what the state allows. Tabled to April.

Hunting Path Road "no parking" sign - VDOT has responded to our request for no parking on Hunting Path Road. VDOT did a study and states it is not warranted on the entire road but they will post no parking on the Washington Street end.

BOCA, CABO, engineers and architects rulers - Councilwoman Bailey moved to purchase architects & engineers scale, seconded by Councilwoman Scarbrough. Motion carried by 5/0 roll call vote. The BOCA & CABO books have already been approved for purchase. Ms. Whitfield



will pick them up.

25 mph speed limit - VDOT response to this request states the speed study shows up to 51.27 mph east bound speeds up to 38.72 mph west bound. They deemed the reduced speed limit is not the answer to speeding.

Bathroom renovation - Gary Eddy has not brought in the RFP. Tabled.

D&J Excavating business license and vehicle tags - the Town Clerk states they picked up the forms and were told to have back by Friday March 1 for the meeting, as yet they have not submitted them. Attorney Smith says we can go to Circuit Court and adjoin them since we have given notice. Council instructed the Town Clerk to send another notice giving them five business days to get license and if they do not comply take legal action.

#### **New Business**

Insurance - medical expense - Councilwoman Johnson called Steve Cooper at Hutton & Payne regarding vehicle coverage for police vehicle showing \$1,000 medical expense. She is awaiting a response.

Town Clerk request to be off on March 22 for a Treasurer's meeting - Councilwoman Johnson moved to approve the Town Clerk taking off March 22 for personal business, seconded by Vice Mayor Bean. Motion carried by unanimous vote.

Virginia Municipal League - April 18th meeting to be hosted by Haymarket. Councilman Shepard moved to approve sponsor and \$50.00 expenditure, seconded by Councilwoman Johnson. Motion carried by 5/0 roll call vote.

Freeborn resignation - Mayor Kapp read the resignation of Terri Freeborn who moved out of town.

Mayor Kapp tabled to April the vacant council seat. Councilwoman Bailey asked why. Mayor Kapp states it would take too much time to discuss now and on the advice of Attorney Spitler the charter states the seat shall be filled but there is no time limit.

Budget meeting - scheduled for March 18 at 6:00 p.m.

Greenhill Crossing street scape - H/P Companies submitted the proffered street scape.

Historic designation - from the year 1900 to 50 years or older. Attorney Smith presented an amendment prepared by Attorney Spitler. Attorney states only one reading required.

Planning Commission public hearing on Payne property rezoning application - Mayor Kapp asked Chairwoman Whitfield if she will hold a public hearing at the end of March. She states she will.

Ms. Whitfield states in response to the comment of "non-citizen" comments being qualified to speak at meeting - she states she thinks it is appropriate to know where these people are from. She asked if it is not normal procedure to ask about residency in such a situation.

Handicap parking space in Longstreet Commons - Ms. Leonard states she wants to get a handicap parking space in front of her townhouse for her husband Charles. Mayor Kapp states she must go to the Townhouse Association.

**Planning Commission**

Ms. Turner mentioned signs at both ends of town. It was asked if that was included in the ISTEAA grant proposal. It was stated it is in there and that there was \$2500 proffered in the Payne property rezoning for that purpose.

Councilwoman Scarbrough submitted a draft comprehensive plan amendment application form stating whenever you have a rezoning request that is inconsistent with your comprehensive plan you should have this request also. Vice Mayor Bean moved to send to the Planning Commission authorizing Ms. Weller to look at it, seconded by Councilman Shepard. Motion carried by 5/0 roll call vote.

Councilwoman Scarbrough states the need to develop an outline for development procedure. Tabled to April.

**Historic Commission**

Ms. Turner states Mr. Kyle has become interested in being active in the Historic Commission and has been very helpful in research on grants. Ms. Turner asked for his appointment to the Commission by the Council. Councilwoman Johnson moved to appoint Mr. Kyle to the Historical Commission, seconded by Vice Mayor Bean. Motion carried by unanimous vote. Mr. Kyle states there is grant money from the National Trust for consultants to strengthen ordinances.

Ms. Weller informed Council there is a bill in the house, that passed, for historic restoration and preservation that reinstates the tax incentives.

**Architectural Review Board**

Chairwoman Bailey states they did not meet in February.

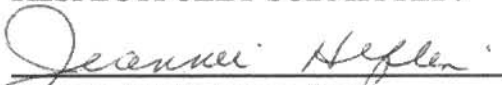
**Correspondence**

Letter from Tony Coogan of Strasburg stating he would like to address the Town Council in regard to scenic byway.

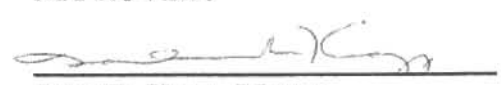
Ms. Leonard asked if we are going to finalize our street scape. She asked if Chris Foley will continue with that. Mayor Kapp asked if Council wants to retain him. Mayor Kapp asked for a proposal for the April meeting.

With no further business to discuss the meeting was adjourned at 11:25 p.m.

**RESPECTFULLY SUBMITTED:**

  
Jeannie Heflin, Town Clerk

**APPROVED:**

  
John R. Kapp, Mayor

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