

TOWN OF HAYMARKET
Chartered 1799
County of Prince William

JOINT PUBLIC HEARING
TOWN COUNCIL AND PLANNING COMMISSION
JANUARY 15, 1996

Subject: (1) ISTE A Grant Application
(2) Rezoning Request 6713 Jefferson Street
Masonic Lodge Property

MAYOR
John R. Kapp

ATTORNEY
Kristina Keech Spittler

CHAIRMAN
Lyssa Whitfield

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

PLANNING COMMISSION MEMBERS
John Duckett, Vice Chairman
Bob Seffinga

Mayor Kapp states the attorney advises we can hold a public hearing tonight and advertise a public hearing at the next meeting (February 5, 1996) since the reschedule (due to the snow) notice the Town Clerk submitted to the newspaper was not printed.

Masonic Lodge 6713 Jefferson rezoning request

Mr. James Via presented to the Council and Planning Commission the requested subdivision of the Melton property, 6731 Jefferson Street-adjoining the Masonic Lodge, which would leave approximately 2/3 acre lot for the Melton house which will keep its current R-1 zoning.

The Masons have requested the section left outside the Melton house lot become part of the Masonic Lodge lot and that entire lot be rezoned from R-1 (Residential One) to B-1 (Business One).

Mayor Kapp asked for anyone present to speak in favor of rezoning to please come forward. After the three callings no one spoke for the rezoning.

Mayor Kapp asked for anyone present to speak against the rezoning to please come forward. After the three callings no one spoke against the rezoning.

Mayor Kapp closed the Public Hearing on the Masonic Lodge lot rezoning issue.

ISTEA Grant Application - Enhancement of Route 55 (Washington Street)

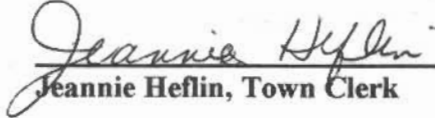
Mayor Kapp states the Town Council is asking for approval to go ahead with this project. The grant is for curbs and gutters, brick sidewalks, storm water drains, brick planters, benches and a bicycle path. Mayor asked for anyone present to speak for this application to please come forward. After the three callings Mrs. Turner, Mrs. Dunton and Sgt Bockey spoke for the application.

Mayor Kapp asked for anyone present to speak against this application to please come forward. After three callings no one spoke against the application.

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Subject: Masonic Lodge Rezoning Request
ISTEA Grant Application approval
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Mayor Kapp closed the Public Hearing at 7:10 pm.

RESPECTFULLY SUBMITTED:



Jeannie Heflin, Town Clerk

APPROVED:



John R. Kapp, Mayor

jph196

TOWN OF HAYMARKET
Chartered 1799
County of Prince William

TOWN COUNCIL MEETING - JANUARY 15, 1996

MAYOR

John R. Kapp

ATTORNEY

Kristina Keech Spitler

MEMBERS

Steve Bean, Vice Mayor

Nancy Bailey

Terri Freeborn

Debbie Johnson

James Shepard

Mary Lou Scarbrough

Mayor Kapp called the regular meeting of the Haymarket Town Council to order at 7:30 pm. Mayor Kapp led Council in the Pledge to the American Flag and prayer. (Note meeting was rescheduled from January 8, 1996 due to snow.)

Minutes of December 4, 1995 meeting

Councilman Shepard moved to dispense with the reading of the minutes and approved with corrections noted, seconded by Councilwoman Johnson.

Police Department

Sgt Bockey reported thirty calls were answered in December. No criminal charges were placed. Sgt Bockey attended Juvenile Police teleconference. Sgt Bockey spoke with Major Lesco of PW County police in reference to curfew. Lesco states Prince William does not use the curfew as the ACLU challenges that ordinance. Prince William places state charges for loitering and trespassing. They suggested Bockey contact Juvenile Division at PW Co. For help. Sgt Bockey has spoken with some of the schools in reference to truant kids. He can have charges placed against the parents if the problem warrants.

Sgt Bockey reported he received twenty one applications for the police officer position. He chose two for interviews and recommended the employment of Jim Roop.

The police cruiser radio was put in. The cruiser went out of service again and had to be towed to Battlefield Ford.

In regard to the letter received from a resident about the RV parked on Hunting Path Road Sgt Bockey states the vehicle is legally parked but the owner is going to move it back from there.

Treasurers' Report

The treasurer read the report which claimed a balance of \$28,995.36 in the operating account.

Unpaid Bills

Councilwoman Johnson moved to approve the unpaid bill of \$200.77 to Gary Eddy for the BOCA conference he attended. Motion seconded by Councilwoman Freeborn. Motion carried by unanimous show of hand vote.

Business Cards - Councilwoman Bailey asked about the business cards purchased in September for \$188.10. Councilwoman Bailey states the purchase was not approved by Council and Council had decided before that Shelly (former Town Clerk) did not need them. Mayor Kapp states if

Council does not want to pay he'll pay for his own cards. (Cards were additionally purchased for the Town Clerk, the Historical Commission Chairman and the Building Official.

Business License

Matthew's Restaurant - transfer of License from Debbie Bergh to Nelson Ryan. Vice Mayor Bean moved to approve transfer, seconded by Councilman Shepard. Motion carried by unanimous vote.

Basir Ahmed Yousefi - Express Auto Outlet - 6707 Fayette Street #3, replacing Latino Auto City. Vice Mayor Bean moved to approve, seconded by Councilwoman Bailey. Motion carried by unanimous vote.

Sign Permit

Express Auto Outlet - Basir Ahmed Yousefi, applicant - Vice Mayor Bean moved to approve, seconded by Councilwoman Freeborn. Sign not required to go to ARB. Motion carried by unanimous vote.

J. Brady Hill Hair Design - hair salon over Post Office at 6601 Jefferson Street - Councilwoman Freeborn wants a color photo of the building for ARB so they can see the color of the building. Councilwoman Freeborn moved to send to PC and ARB pre-approved pending their approval and a snapshot of the building before ARB meeting, seconded by Councilman Shepard. Motion carried by unanimous vote.

Express Auto Outlet - Councilwoman Freeborn moved to approve, seconded by Councilman Shepard. Motion carried by unanimous vote.

Matthew's Restaurant - Councilwoman Freeborn moved to send to PC and ARB pre-approved pending PC & ARB approval, seconded by Councilman Shepard. Motion carried by unanimous vote.

Building Permit

Masonic Lodge - 6713 Jefferson Street - enclose porch with glass and screen. Councilwoman Freeborn moved to pre-approve pending PC and ARB approval, seconded by Councilwoman Johnson. Motion carried by unanimous vote.

Special Use

Melton Property - subdivision request from Masons - Mayor Kapp scheduled a second public hearing for February 5, 1996.

Rezoning

Masonic Lodge Property, 6713 Jefferson Street - tabled to February 5, 1996

Payne Property - 15101 Washington Street - Joseph Contrucci, Esq. Representing Dolly and Donald Costello, Able Properties presented to Council a request to rezone the "Payne Property" from R-1 to B-2. Councilwoman Johnson asked if they have any notion of what uses he may have. Mr. Contrucci states it would be turned into offices for Mr. Costello's enterprises. Councilwoman Freeborn asked how Mr. Contrucci thought this impacts the historic overlay of the town. Mr. Contrucci states that issue is addressed on 2.6 of his rezoning request.

Mayor Kapp states a public hearing will be scheduled for February 5, 1996 at 7 pm. Mr. Contrucci asked if he understands the application has been accepted. Mayor Kapp states yes.

Mr. Contrucci states he would like to address the Planning Commission and the Architectural Review Board at their next meeting to open dialogue.

Councilwoman Freeborn moved to schedule a public hearing on February 5, 1996 at 7 pm with the Planning Commission, seconded by Councilman Shepard. Motion carried by unanimous vote.

Citizens Time

Lyssa Whitfield, Planning Commission Chairman, asked about Mary Lou's resignation from the Planning Commission. Mayor Kapp stated as soon as Mary Lou Scarbrough became a council member she was removed from the Planning Commission. Ms. Whitfield requested that Ms. Scarbrough replace Nancy Bailey as Council Liaison on the Planning Commission. Mayor Kapp states that will be discussed in executive session.

Mayor Kapp states there is a need for another member on the Planning Commission. The Planning Commission does not have a member of the BZA on it as the charter requires. Mayor Kapp recommends Mark Branca be appointed. Councilwoman Freeborn would like to address this issue in executive session.

Pam's Beauty & Barber - Alan Gossom states Pam would like to reopen her shop. Mayor Kapp states her license is still valid.

Mrs. Turner expressed her appreciation to Alan Gossom for all the help he was in digging people out of the snow recently.

Mayor Kapp thanked John Duckett for helping clean up St. Paul's Parish Hall after the Town Christmas party.

Hose Rack - Dottie Leonard states she talked with Richard Bird who states he will remove the hose rack behind the old fire hall.

Old Business

Kruse Corner - Alan Gossom's office building - Councilwoman Bailey states the committee is meeting with Alan this weekend. Mayor Kapp states since three or more members are meeting the press must be notified. Attorney Spittler confirms the press must be notified. She will check on requirements and call the Town Clerk. The meeting is scheduled for Saturday, January 20 at 9 am at Kruse Corner.

Comprehensive Plan - work session scheduled for Wednesday, January 17 with Planning Commission and the ARB. If all goes well at the February meeting we can schedule a public hearing for March.

Dictaphone - Councilman Shepard presented Council with two recorders. A new recorder costs \$711 with a one year warranty. Additional warranty is \$106 per year. Councilman Shepard recommends the purchase of a reconditioned Dictaphone voice recorder and the warranty. The price is \$417 which includes a thirty day warranty and \$60 for additional six month warranty. Councilwoman Johnson moved to purchase the \$417, seconded by Councilwoman Bailey. Councilwoman Johnson amended her motion to include the warranty of \$106 annual - \$60.00 for six months. Councilwoman Bailey seconded the amended motion. Motion carried by unanimous show of hand vote.

Forms & Applications - to be addressed at Wednesday, January 17 meeting.

Youth Program - Mayor Kapp states the program has not gotten started.

ISTEA grant - Mayor Kapp states application is ready. Julie Connell from BD&E has assisted Mrs. Turner and he with preparation of the grant. Copies have been distributed to VDOT, Tom Blazer, Kathy Seefeldt.

Municipal Code - Mayor Kapp asked if anyone has any comment on the draft of the updated Code sent to Council from Municipal Code. Attorney Spitler states the Code is out of date and the charter needs to be amended. She states the frequently used sections that change will be adopted systematically.

Councilwoman Freeborn moved to ask attorney to update and clean up the Code, seconded by Vice Mayor Bean. Mayor asked for estimate of time - Ms. Spitler states probably a full week, 40 hours at \$100 per hour. Motion carried by unanimous show of hand vote.

D & J Excavating - Vice Mayor Bean states Don George has never applied for a business license, does not have town tags on his trucks and he has been warned several times by he and the police officers. Vice Mayor Bean asked for a certified letter be sent to him instructing him to apply for a business license and get vehicle tags within 10 days.

Bathroom at Town Hall - Councilwoman Johnson moved for Gary Eddy to supply an RFP for Council approval, seconded by Councilwoman Freeborn. Motion carried by unanimous vote.

Wolfe Industrial Auction trailer - Mayor asked if Council can execute the bond that was just sent requesting the town to release. Attorney Spitler was to investigate that and get back to Council.

Letter to VDOT - speed limit reduction - Councilwoman Johnson asked what the status is. Vice Mayor Bean states he spoke with someone at VDOT who said the study was done before and 35 mph is slow enough.

Sewer Smell at Post Office - Councilwoman Johnson asked what has been done - Vice Mayor Bean says we talked about waiting until Greenhill is hooked up to sewer.

Street light on Payne Lane - Councilwoman Freeborn moved the Town take over the street light between Bean property and St. Paul's Parish Hall, seconded by Councilwoman Johnson. Motion carried by 5/0 show of hand vote, with Vice Mayor Bean abstaining.

Haymarket/Gainesville Playground Alliance - Mayor Kapp states this group is looking into the Park Authority creating a public/private venture. The Park Authority has a swimming pool, gym, rec center, etc for Long Park but they have no money. Mayor Kapp states the ice rink in Dale City, the Manassas Park Golf Course are public/private ventures. The HGPA would like to work with the Park Authority to do something like that. The committee will come under the Historical Commission for non-profit status. The Mayor states the group will pursue a craft show at Nissan Pavilion May 4, 1996 then in June 7, 1997 have a parade of breeds horse show. Councilwoman Johnson has offered to help with the crafts. Mayor Kapp asked Council members for support and help with the craft show and music. The plan is to hold both events annually. Councilwoman Johnson asked how the events will be billed under the Historical Commission - she asked if there are legal ramifications with this being under the Historical Commission. The questions is will there be a problem with that. Attorney Spitler will give more information.

Planning Commission appointee - will be discussed in Executive Session.

Ordinance for exemption of personal property tax - Mayor Kapp states Turner Smith said we do not have an ordinance that exempts everything but vehicles. Vice Mayor Bean moved to have Attorney Spitler make up an exemption ordinance, seconded by Councilwoman Bailey. Motion carried by unanimous vote. Attorney Spitler states she will re-word the Manassas exemption ordinance.

Work Group Program - Mayor Kapp read an offer for inmate workers to work in the Town. Vice Mayor Bean states they did that once and it caused more problems.

Christmas Party - Parish Hall at St. Paul's - Mayor Kapp asked Council to donate toward the \$35.00 fee he paid for the use of the hall for the Town party.

Planning Commission

Councilwoman Bailey states at the December 5th meeting Sam & Betty Blankenship's request to build a 12 x 12 shed was returned to them with their check as they are not required to have a permit for a shed under 150 sq ft.

The Commission approved the sign permit for Something Special.

The Commissioners were requested to make recommendations to Town Council in regard to forms and applications for the January 17th work session.

Historical Commission

At the January 4th meeting the Commission discussed the desire to hold an annual dinner at St. Paul's Parish Hall for the Christmas party for the town. The revamping of the caboose to a retail shop was discussed. Mrs. Turner states they will speak with the Manassas Museum for details on opening a shop. The Commission would like to open the shop this spring.

Lafayette Day - the Commission would like to have a tea dance at St. Paul's Parish Hall.

Nissan Pavilion - discussed the spring event.

Post cards - Councilwoman Johnson gave Council pricing on post cards the Historical Commission has interest in having printed. Bob Seffinga offered to do some of the set up work and get some pricing from the printers he works with.

John Duckett asked Mrs. Turner where she wanted to hold the tea dance for Lafayette Day as there is no dancing allowed at St. Paul's indoors or outdoors.

Mrs. Turner stated some video camera equipment was donated to the Historical Commission.

Architectural Review Board

At the December 6th meeting the Board approved the Something Special sign.

Citizens Time

Ron Hancock (former Council member) congratulated Mary Lou Scarbrough on her appointment to Council and he thanked Council members for the pleasure of working with them on the Council.

New Business

Computer upgrade - Councilman Shepard stated we have discussed the computer being out of date and running so slow. He says a new processor 486 will run \$130, we need more RAM memory we currently have 4 megs and need 16 to run most software. The computer gurus are to come up with a recommendation at the February meeting.

Computer arm - Councilwoman Johnson moved to approve the purchase of an arm to hold the computer (to get it off the surface of the Town Clerk's desk) up to \$100, seconded by Councilwoman Bailey. Councilman Shepard to install the arm. Motion carried by unanimous show of hand vote.

ISTEA resolution - Councilwoman Johnson read the resolution to Council supporting the grant application. Councilwoman Freeborn moved to adopt the resolution with a change of date, seconded by Councilwoman Johnson. Motion carried by unanimous vote.

Executive Session

Councilwoman Bailey moved to go into executive session citing Code of Virginia Section 2.1-344.1 to discuss personnel matters, seconded by Councilwoman Freeborn. Motion carried by unanimous vote.

Councilwoman Bailey moved to go back into regular session, seconded by Councilwoman Johnson. Motion carried by unanimous vote.

Councilwoman Johnson moved to hire James Roop as the new police officer for \$23,500 annual salary and medical insurance, seconded by Councilwoman Bailey. Councilwoman Johnson amended motion to include "to start as soon as possible", amendment seconded by Councilwoman Bailey. Motion carried by 6/0 show of hand vote.

Mr. Roop accepted the Council's offer.

Planning Commission Liaison - Councilwoman Bailey submitted resignation as Planning Commission Liaison. Councilwoman Johnson moved to accept the resignation, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Architectural Review Board Liaison - Councilwoman Freeborn submitted her resignation effective immediately. Councilwoman Johnson moved to accept the resignation, seconded by Councilwoman Scarbrough.

PC Liaison appointment & ARB Liaison appointment - Councilwoman Johnson moved to appoint Nancy Bailey to Council Liaison to the ARB and Councilwoman Scarbrough to Council Liaison to the Planning Commission, seconded by Councilwoman Freeborn. Motion carried by 4/0 with Councilwomen Bailey and Scarbrough abstaining.

BPOL Ordinance tax maximum - Mayor Kapp presented Council with a letter from Century Stair stating the 1994 and 1995 BPOL tax was overpaid due to a \$5000 ceiling in the Ordinance. Attorney Spitler wants to check if he is time barred from refuting it. Mr. Costello requested 8% interest for the refund amount.

Gross Receipts tax - Councilwoman Bailey states Sheetz did not pay near the gross receipts the town estimated. She asked if Council can ask them to show their books. Counsel advised Council can.

Mayor Kapp states we should repeal the ceiling of \$5000 at the next meeting, hold a public hearing. He asked if we can also raise the \$30.00 minimum business license permit fee. Attorney Spitler to check on both subjects.

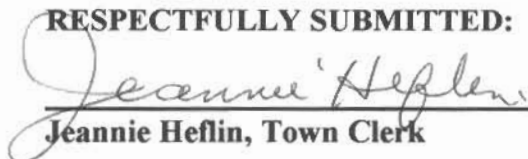
Planning Commission appointment - Councilwoman Johnson moved to appoint Mark Branca to the Planning Commission, seconded by Vice Mayor Bean. Motion carried in a 3/1 vote two abstaining votes, Councilwoman Bailey and Councilwoman Scarbrough.

Councilwoman Bailey states the ISTE A grant is not mentioned in the December minutes. The Town Clerk is to check the tape and notes.

Councilwoman Bailey asked if the Town, by law, is required to inform Prince William County if we rezone a parcel within one mile of the county line. Attorney Spitler will check.


With no further business to discuss Councilwoman Johnson moved to adjourn the meeting at 10:45 pm, seconded by Councilwoman Freeborn. Motion carried by unanimous vote.

RESPECTFULLY SUBMITTED:



Jeannie Heflin, Town Clerk

APPROVED:



John R. Kapp, Mayor

tc196

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 Nancy Bailey, seconded by Terri Freeborn,
Steve Bean, Deliber Johnson, James Shepard,
Mary Lou Kachraugh, _____, voting "aye,"

_____, _____, _____,
_____, _____, voting "nay," this certifica-

tion resolution was adopted.

1/15/96

Motion to go into Executive Session

I move that this [~~board~~][council] now meet in executive session to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act as:

- Personnel matters under VA. Code Section 2.1-344 A. 1;
- Real property use, acquisition, disposition, condition or use under Va. Code Section 2.1-344 A. 3;
- Protection of the privacy of the individuals in personal matters not related to public business under VA. Code Section 2.1-344 A. 4;
- Prospective business or industry matters or expansion of existing business or industry where no previous public announcement has been made under VA. Code Section 2.1-344 A. 5;
- Investing of public funds where competition or bargaining is involved where, if made public initially, the financial interest of the county would be adversely affected under VA. Code Section 2.1-344 A. 6;
- Consultation with legal counsel and briefings by staff members, consultants or attorneys, pertaining to actual or probable litigation, or other specific legal matters requiring the provision of legal advice by counsel under VA. Code Section 2.1-344 A. 7;

The substance of the matters to be discussed involves:
