

Town Council Meeting May 5, 2003

TOWN OF HAYMARKET, VA  
Chartered in 1799  
County of Prince William

TOWN COUNCIL MEETING  
May 5, 2003

MAYOR  
John R. Kapp

COUNCIL  
James Shepard, Vice Mayor  
Michelle Neal-Heard  
David Taylor-PD Liaison  
Shelia Jarboe  
Robert Miller-ARB Liaison  
Lynda Farr

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Meeting Called to order at 7:32pm

Pledge of Allegiance  
Rev. Floyd Brown leads in prayer.

Roll Call

Citizen's Time:

Nancy Baily:

- Second page of minutes regarding Rafferty Property. Would like it more detailed in writing. Not at ease that he Rafferty won't try to re-zone if he purchases land adjacent. Kapp will request a letter from Rafferty stating he will not try to re-zone unless 25' buffer requirements are met.
- Subway sign still in violation of ordinances. (Neon)
- Dance studio (windows covered with paper). Baily notes violation
- Angelica Nails does not have an approved application for their sign. Not approved lettering.

Minutes of Meeting

February 3, 2003. Kapp notes Panache should read "Pardo". Should be corrected in minutes.  
Motion to approve minutes by Shepard...6/0

Police Report

Roop reveals the state has a new program that allows the them to suspend a drivers license should personal property taxes or decals go unpaid. States clerk would have to learn process. \$20 fee attached to removing a person off the suspension list, we need to change ordinances in order to assess \$20 fee. To be put on next agenda.

Treasurer's Report

Budget worksheet discussed. Clerk states changes have not yet been received from Work session of 4/30/03. Clerk states will start getting aggressive with delinquent tax accounts after Spring Festival. Audit discussed. End of month to turn in 2001 materials for Miller Musmar. Clerk states you can't skip years in an audit process.

Business License Application

Healthy Paws Medical Center (name change), Shepard motions to approve...Jarboe seconds  
no discussion vote 6/0

Kirk Balcom (sharing office with Gainesville Counseling) Kapp notes same activity.  
Shepard motions to approve..Taylor seconds...no discussion....6/0

## Town Council Meeting May 5, 2003

Old Bank Building Insurance Co....Shepard motions to approve, building inspector approved. Kapp states a line item should be made for. Bob seconds....no discussion.....6/0

### Sign Permit Applications

Message board for town hall from clerk. PC turned down due to size. We will add this to public hearing of June 2, 2003, to make exception for town hall (recommended by Arledge).

Old Bank Building sign (insurance sign) Kapp notes violation, asks clerk to send letter. Kapp also notes Bull Run Acct'g banner violation, please send letter.

Healthy Paws free standing sign. Kapp notes ARB and PC approval. Noted that light bulbs should be covered. Shepard motions to approve...Taylor seconds....6/0

### Certificate of Appropriateness

OakRidge Builders...Landscaping change. Had prior approval, just wanted to submit some changes. Shepard motions to approve...Neal-Heard seconds....no discussion....6/0.

### Planning Commission

#### ARB

Going to schedule a work session next meeting.

### Historical Commission

Neal-Heard states that Creston Owen donated phone system to museum. Hanging hangers for pictures, electrician, locksmith on Friday.  
Sarah talks about deed records. Has made slow progress on research. Wants to have this done so that when a developer comes in we have the original deeds and there are no surprises. Filing on the deeds in April. Put commission on the distribution.

### Building Inspector

Lowery states gray house is still occupied. Kapp speaks of proposal for Underwood to board up doors and windows. Kapp could not find proposal. Clerk states she never received a proposal. Mayor states he received it. Mayor says we need to find the \$500 to do the boarding up. Mayor asks about utilities disconnected. Clerk states she has not yet cut them off. Arledge states we probably should not cut utilities. Lowery first needs to post condemnation. Clerk asks mayor if she needs to look for proposal. Mayor states no, entertains motion to approve. Clerk states it can be taken from the salary line item. Taylor asks if we can proceed the boarding up. Arledge says to wait, and states we must follow procedure for eviction of residential. Lowery states that both Fosters and CAH should have been out on May 1, 2003. Kapp asks about letter from Newlan. Mayor reads letter aloud, *see attached*. Taylor asks Lowery to take care of posting for all tenants in 15000 Wash. Street. Clerk states she is concerned that a letter was never given to Fosters. Arledge states Mayor said he didn't need to give a letter. Kapp states we didn't need to that Fosters will move when asked. Fayette Street issue, stockade fence, does not meet building ordinance. Someone needs to follow up on that. Kapp asks for ordinance on stockade fence. Asks clerk for section of ordinance. Mayor will write a letter citing resident. Parking situation at Teaching the Basics. Kapp refers to proposal from Underwood for \$5827.00 to tear down and put in thru-way, labor and materials. Can take money out of Salary line item. Clerk states her confusion on the way salaries was budgeted. Jarboe would like us to make sure there is room in salary items. Lower asks about fire doors at Teaching the Basics, states this should be done soon. Kapp asks for a report from Lowery. Taylor would like each code referenced in report that they are violating. Refers to comments made during citizen's time regarding Rafferty. Lowery states that he can apply to re-zone. Upon application resident should be informed of buffer, however, we cannot stop him from application to re-zone. Kapp clarifies Bailey's concern that it is not in writing. Lowery states 84 Lumber will be coming in with landscaping plans soon. Project is moving rapidly, they are anticipating opening with 45 days. Lowery informs that 84 has gone beyond requirements. 84 has supplied Durham with water line, thinks Durham has stretched too

much from 84. Fosters addressing...will get a Costello Way address, Fosters does not want suite addresses, Lowery will talk with the county. Costello will be changing address at Century Stair to Costello Way. McDonalds has requested a bond release. Would like council to vote on bond release for them. States triangular pad should have stop sign, he would like triangle removed. Sign never stays anyway. Mayor states if Lowery has signed off. Lowery said he did have a letter and he has signed it.

Shepard Motions to release McDonald's Bond monies

Taylor seconds

No Discussion

AYES: 6

NO'S: 0

Discussion over demolition of back shed to provide passage way.

Shepard Motions to allocate \$6827 to provide passage way behind main building; includes demo

Taylor Seconds

No Discussion

AYES: 6

NO's: 0

Clerk asks about Teaching the Basics fire code violations, asks Arledge legality of lease and who is responsible for cost of meeting code. Clerks says GDC has been called regarding re-wiring of smoke detectors. Clerk reminds urgency of issue regarding safety of the children. Taylor again asks that codes be cited in letter from Lowery to Council.

## OLD BUSINESS

### TOWN PROPERTY-

Mayor says that letter of intent with corrections was faxed to Creston Owen, states Owen is on vacation. Mayor states we can wait to discuss with Owen or go forward. Shepard wants personal guarantee added. Taylor would like to wait and let Owen come back to town with acceptance or counter offer. Miller states if we want Owen to secure we need to tell him how we want it. Taylor asks are we going to bring in CPA to go over financials from Owen. Taylor states we are now becoming a bank. Jarboe asks if anyone else has expressed an interest in the property. Jarboe wants to see his financial before letter of intent. Shepard states that won't happen, he won't release that info unless we have an agreement. Arledge says the letter does bind us to good faith negotiations for thirty days. Mentions 90 day study period, in which no other negotiations would take place. Arledge states ambiguity in non-negotiation period, not comfortable with wording in letter of intent. Mayor states signing letter of intent only lets process go forward. Jarboe states that if Owen is serious, he would already have this process going. Arledge states that the Grocery store's right of first refusal needs to be added to letter of intent. Arledge also notes that by law must have unanimous vote by council on final contract, that also should be added to letter of intent. Taylor again asks how we are going to review his assets. Miller comments on using a banker perhaps. Taylor states that we can refinance on a short term basis. Taylor states we need to see this as two separate transactions, refinancing the loan and then the letter of intent. Mayor says we add the three things; 72 hour right of first refusal, personal financial, and that contract must have unanimous vote. Jarboe again states she does not agree with the letter of intent. Taylor asks clerk when the last time ad was run, clerk states in April for 5 days. Taylor mentions web site and if any changes need to be made let him know.

### TEA 21 GRANT-

Proposal from Tim Cornwell, *see attached*. Mayor reminds balance due to Gull Corporation for punch-out. Would like to ask Gull to release us from the balance due approximately \$10,000. Discussion over proposal. \$5,700. Miller asks where we would get money. Mayor states we have cd's that are specifically for the street scape. Jarboe asks about maturity date on cd. Clerk states that we just renewed it on a nine-month no penalty at a little over 1%. Lowery asks about concrete wall in front of the Farr property, and that maybe VDOT would come back and brick the face.

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**Miller motions to approve Cornwell proposal pending a release letter from Gull Corporation, and cash in cd to pay.**

**Shepard Seconds**

**AYES: 6**

**NO's: 0**

**Discussion from Jarboe asking if we can get funds from somewhere else without cashing in cd. Mayor states no.**

**BUDGET-**

Miller states we are still waiting input from others for budget. Miller asks clerk for list of salaries. Clerk asks to set up another budget work session. Budget work session set for Thursday May 22, 2003 @7pm.

**BLUEMONT-**

Mentions that we have the \$5,000 in proposed budget for Bluemont. Mayor indicates that some council members think maybe we shouldn't go with Bluemont. Mayor offers alternative with a singer like "Patsy Cline" for just \$400. Farr does not see "Haymarket presents" as being a big draw for a crowd. Taylor asks Mayor if he is interested in letting go of Bluemont and do it ourselves, Mayor states no. Jarboe recommends using this other singer as a Foundation fund-raiser, not a replacement for Bluemont. Pam Stutz states that foundation meeting is scheduled for May 8, 2003 @ 7pm. Mayor asks if everyone has been contacted? Stutz responds that to her knowledge, yes. Shepard reminds that we first must approve the budget to decide anything with Bluemont. Clerk questions that if budget doesn't go through until July where does that leave Bluemont. Mayor says that we need to have public hearing on budget before we can vote on it. Taylor asks if Foundation is responsible for fund-raisers. Mayor give a brief back ground on the Foundation. States that it was set up for the street scape and museum. Taylor feels council is doing a lot of coordinating, feels Foundation should be doing that kind of thing. Mayor clarifies that proceeds from Haymarket Day and Spring Fest proceeds go to street scape. However, Mayor states that the Foundation does not sponsor neither event. Taylor would like a representative here from Foundation to take the volunteer load and be at next council meeting. Farr asks if Bluemont falls under Foundation, Mayor states no. Jarboe asks if it can be transferred over to the Foundation? Mayor states he would have to call the IRS on that. Discussion over attendance at Bluemont.

**CIP, SHARED PARKING, SIGN ORDINANCE, BUDGET-**  
Public Hearings on June 2, 2003

**TOWN ELECTIONS-**

Mayor asks letter to be written to electoral board for elections to be held at Masonic Hall

**SPRING FESTIVAL-**

Clerk announces clipboard for sign-ups for volunteers for town table. Clerk states that we are filling Ayers Field and Museum parking lot instead of street. Children's entertainment at Winterham field. Donations stand at over \$1800. Miller talks about signs getting made. Miller asks for layout of children's activities. Clerk asks for help with spring fest with map layout. Taylor offers help with layout. Jarboe offers help with mailing to crafters. Jarboe discusses celtic singer. Park Authority has confirmed stage. Mayor asks for volunteers for clean-up and pick-up. Clerk asks why we have to insure the Ayers Field and not Winterham? Winterham was not insured last year. Mayor assures that both should be insured. Taylor asks if request for volunteers for Spring Fest can be put on the agenda for Spring Festival.

## **NEW BUSINESS**

**PLANTER BOXES-**

For Town Hall...TABLED

**FLAG POLE-**

Mayor will get estimate for lighting for flag pole.

CARPET-

Needs cleaning, Mayor would like an estimate for hard flooring to extend to window. Call RUS regarding throw rug. Lowery states the window at clerks desk should be one piece of glass.

Taylor asks for balance sheet for next meeting. Taylor would like us to insure that applications are complete. Asks that clerks not accept any incomplete applications.

Arledge reads allow code section to move to go into executive session.....*see attached...*

**CITIZEN'S TIME**

Nancy Bailey: Would like to know position of town regarding the grocery store lease. Mayor states that is what will be discussed during executive session. Details for the home sign on side of grocery store needs to be cited. Teaching the Basics banner needs to be cited. Zoning at Teaching the Basics needs to be changed. Bailey asks why we didn't offer storage to Connie as well. Clerk states that the reason we gave the storage to Sam and Shirley is because they are staying in a hotel where they cannot put their belongings.

Mayor asks for letter to be written to Teaching The Basics regarding banner and re-zoning. Arledge states town needs to put in application to re-zone. Adjacent neighbors need to be notified. PC must also hold a public hearing on the re-zoning. PWC must also be notified.

Linda Childress: Would like to know if minutes were approved that are included in the packet. Specifically regarding Rafferty property. Says minutes should say he can't re-zone. Will town write something or not.

Arledge states we would let them apply an then just turn them down. Childress would like to know how this will be remembered. Mayor states adjacent neighbors will be notified. Childress would like assurance that Rafferty cannot re-zone. Bailey states that notifications were not given property when Leonard tried to re-zone. Childress states that Rafferty wants to buy the Hubbard property and could possibly comply with the setbacks required to re-zone. Mayor states that is no secret. Childress again wants assurance that she will be notified, says she wants some sort of protection. Mayor states that the law requires that she get notified and that she sign for that notification. Childress reminds that Mayor said he would have Rafferty write a letter stating that if he re-zones to B-1 that he will comply with the 25' setbacks, Mayor says he will ask Rafferty to do that.

Pam Stutz: Would like to see the whole audit report with the recommendations for the 2000 audit.

Nancy Bailey: Approved sign permit applications still do not reflect what code number they've been approved under, wants us to please enforce that. Mayor asks clerk to write a note to John Ducket.

Arledge reads allow code section to move to go into executive session.....*see attached motion*

**Shepard makes said motion**

**Jarboe seconds**

**AYES: 6**

**NO's: 0**

Arledge reads motions to come out of executive session:

Roll Call:

Councilwoman Farr	Yes
Councilman Miller	Yes
Vice Mayor Shepard	Yes
Mayor Kapp	Yes

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Councilwoman Jarboe Yes  
Councilwoman Neal-heard Yes  
Councilman Taylor Yes

**Taylor motions to hire Mr. Timothy Purnell to represent Town in Law Suit at \$175/hr with a retainer of up to \$5,000. We authorize him to file suit with the authorization of the Mayor and Town Attorney. Mayor will be authorized to sign the retainer agreement.**

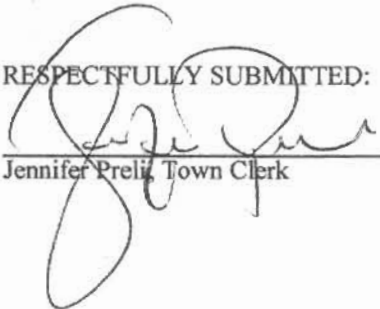
**Shepard Seconds**

**No discussion**

**AYES: 6**

**NO's: 0**

RESPECTFULLY SUBMITTED:

  
\_\_\_\_\_  
Jennifer Preli, Town Clerk

APPROVED:

\_\_\_\_\_  
John R. Kapp, Mayor