

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

**TOWN COUNCIL MEETING**  
April 7, 2003

**MAYOR**  
John R. Kapp

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

Mayor Kapp called the meeting to order at 7:31 p.m. Reverend John Patterson led the Council in prayer.

**Roll Call:** All members present.

**Citizens Time**

First speaker, Pam Stutz, owner of Red Rooster Antiques and Collectibles. Noted she was here to register a complaint about the parking situation at the Town Center complex. Several of her customers have complained there is no place to park when they come in.

She asked that the Council find a temporary solution. She realizes that once some of the buildings are demolished there would be more parking. Wants to know what can be done in the interim. She suggested allowing her shop two reserved spaces on her side of the building as a temporary measure until everything else is resolved. Also suggested that perhaps during the week her customers be allowed to park across the street at the museum.

Her other issue concerned a phone call she received from the Mayor. She stated he called her concerning a statement that was in the newspaper about public notice. He told her he was very concerned with a statement that appeared in Dusty Smith's newspaper (The Gainesville Times).

Ms. Stutz wanted it noted that the remark was not a quote from her. She wanted to make sure that was clarified. However, she did want Council to know that she does think the Town needs public notice signs. She feels the Town should post signs on property like they do in Prince William County, Fairfax County, and other jurisdictions. She recommends that this Council consider doing that.

Second speaker was Nancy Bailey, Madison Court. Ms. Bailey wanted to ask permission from the Town Council for her, Pam Stutz, and Mary Lou Scarborough to be allowed to put red, white and blue, and yellow ribbons on the Town's lamp posts to show support of our troops. She also noted that the ribbons were just to show support and should not in any way be connected with whether or not you support the war. The ribbons would be just to show support of the troops.

Ms. Bailey also wanted to express her concern about something that occurred at Monday night's Planning Commission meeting. During that meeting a statement was made by one of the PC members where they raised a question about Ms. Bailey supposedly receiving a copy of a rezoning application and making copies of it and handing them out prior to the meeting. She wanted it known that was not true.

She went on to state that she did pick up one application at Town Hall but that she did not make copies of it. The other copy she received was the night of the meeting. She then asked the Town's Attorney, John Arledge, about proper filing procedures. She asked if an application should be on file at Town Hall prior to the meeting.

Mr. Arledge stated that he believed that was true. He noted that usually before you start the current process, if it is a re-zoning request for a citizen, a completed application should be available and it was probably public record at that point.

He also noted that he could not recall the exact language in the ordinance. He indicated there were certain

requirements for what=s supposed to be in the application. But he believed if it required an application, it should be a completed application at whatever time it is required to be filed. He further stated that he thought that would be before public hearing, but he was not certain without looking up the procedures.

Ms. Bailey then moved onto a different issue. She noted she would like to bring to the Town Council=s attention that there were several illegal signs in the Food Lion shopping center. She noted Subway has a neon sign on their property which is against Town Code. She also mentioned the nail shop still did not have an approved sign. Their sign was never approved by the ARB. She also asked about handicapped parking spaces at Town Hall.

Mayor Kapp spoke and stated he had spoken to Alan Gossum about that. Mr. Gossum told him once rain lets up he would have the work done.

Ms. Bailey then asked for the Council=s approval or denial for the ribbons.

Motion was made by Councilwomen Jarboe to approve ribbons on the lap posts, red, white, blue and yellow, seconded by Councilwomen Neil-Heard. Motion passed unanimously.

Citizens= time closed.

#### **Minutes of Previous Meeting**

A Motion was made by Vice Mayor Sheppard to note corrections, changes and to dispense with the reading of the minutes. Motion seconded by Councilman Taylor. Ayes: all. Nays: none. Motion passed unanimously.

Mayor Kapp recognized Nancy Bailey from the floor. Ms. Bailey noted that on page six of the minutes it states in the first paragraph that Mayor Kapp noted that Ms. Bailey was on the Council at the time the Town Center property was purchased. She wanted that corrected since she was not on council at the time.

Mayor Kapp agreed Ms. Bailey not on Council at that time. Mayor noted he did not recall saying that but stated if he did he was wrong. Noted Ms. Bailey was on the Council about two months after that time.

#### **Police Report**

Chief Roop addressed the Council. He noted he would like the Council approve his request for \$4,000 to be transferred back over to the Police Department=s equipment budget. He also wanted Council to study the possibility of having the Town=s vehicle tag being paid through DMV.

He then introduced his new reserve officer. Tom Beachler from Fauquier County. Mr. Beachler is a Retired Fauquier County Sheriff Deputy. Noted that if you see him in Town, please stop and say >hello.=

Councilman Taylor began the discussion on Chief Roop=s requests. He first requested some background on the \$4,000 transfer. Mr. Taylor noted that it appeared the money was taken out of the equipment budget at the end of last budget session. He also noted here is no set retirement plan for the Police Department and that setting up one was not a possibility for the near future. It would take some time and the Council would have to determine what type of program it could be. He then noted he approved of the transfer back to the equipment budget.

No further comments. Meeting moved on to second part of request. Mayor asks if Council wanted letter read from DMV concerning Town tag payments through DMV. Council indicated they wanted letter read for the benefit of those in the audience who were not familiar with it.

Mayor Kapp reads from the letter as follows:

Effective April 22, 2003, the Department of Motor Vehicles is initiating the Local Vehicle Registration Program. For localities that choose to participate in the program, DMV will collect the local vehicle registration fee often referred to as the County sticker or license, in conjunction with the state vehicle registration fees.

Under this program, when a resident registers a vehicle or renews a registration for a vehicle garaged in a participating locality, the state and local registration fees will be billed at the same time by DMV. Localities participating in the Local Vehicle Registration Program have the option to eliminate their requirement for a sticker or license and allow the DMV license plates and registration card to serve as proof of local registration.

At the present, the City of Virginia Beach, is the only locality participating in the Local Vehicle Registration Program. Virginia Beach has chosen to discontinue issuing City stickers for resident vehicles. The following sample registration card indicates that both the local and state vehicle registration fees have been paid for a vehicle garaged in Virginia Beach. In the future, the indication on the dealer issued registration will be the same as the DMV issue card.

Mayor Kapp noted that a card was enclosed that noted includes Virginia Beach and that would need to be changed to include Town of Haymarket. He also noted that the letter does not state it but that Chief Roof assured him that the DMV would send the locality the money.

He also stated he did not feel the Town should not give up the current \$15.00 fee because it is income for the Town.

Ms. Swain spoke from the audience. She noted she called DMV to verify money would be sent to the town and she wanted answers to a few other questions. She had not yet heard back from them. She indicated that if anyone has questions to get them to her so they could be answered as well.

Mayor Kapp expressed concern that this would mean vehicles would no longer have town tags. And if the County participated nor would vehicles have County stickers. He noted that without Town tag or County sticker residents would be constantly stopped by police officers.

Mayor Kapp mentioned he had discussed this with Chief Roof. Chief Roof had suggested that when people came in to pay their taxes they would show their registration. If it showed Haymarket then they could pay their local taxes and they would be given a tag.

Mayor then asked if there were any more questions for Chief Roof. He then recognized Dottie Leonard from the floor.

Ms. Leonard asked how anyone would know if payments were current. She noted individuals could opt for a two year renewal so in that case there could be taxes owed for more than the current year.

Chief Roof noted that in those instances they matter would be resolved when they renewed their tags. They would then owe for two years not one.

Ms. Leonard further noted she wanted to be sure the Town receives the money. She feels the Town should not turn this over to DMV.

Mayor Kapp noted it would put better controls on who gets a Town tag. Because most people register their vehicles with the state even when they choose not to get a Town tag.

He further noted the tags would be issued through Town Hall just as they are now. When people come in to pay their personal property tax, they would show proof that they have paid the state by the comment on the bottom of their registration. They would have to bring their registration in saying includes Haymarket local registration. If it doesn't they would not get a Town tag. If they don't have a tag, the police can ticket.

It was agreed that the matter would be looked into further before a decision was made.

Mayor Kapp recognized Nancy Bailey from the floor.

Ms. Bailey asked Chief Roop if he had an update on the recent rape that occurred in Town.

Chief Roop stated the matter was being handled by Prince William County. You would have to call them with your questions.

#### **Traffic Issues Update**

Mayor Kapp then addressed traffic issues in Town. He indicated he had spoken with Prince William County about the need for a 4-way stop at Washington and Jefferson Streets. The County told him that would not be possible. The State would not allow a stop sign on Route 55. However, Steve Stevens, in the County's Public Works Department, said a traffic light might be needed. Mr. Stevens told him he is willing to work with him to have VDOT allow a traffic signal at this intersection. The Mayor is working on identifying proffers that could be used to pay for it. Once the funds are identified, a letter of appeal will be sent to Tom Fahrney who is the head of Northern Virginia's VDOT office.

There was a question from the floor asking about what intersection was being discussed. Mayor Kapp indicated it was the intersection near Town Hall. Corner of Washington and Jefferson Streets.

Mayor Kapp also mentioned that he had discussed with Mr. Stevens the need for \$200 additional dollar fines for speeding for several streets in Town. Mr. Stevens told him he is checking with VDOT on having these signs installed on Fayette Street and Greenhill Crossing.

Councilman Taylor then asked (referring back to need for a traffic signal at Jefferson) if in the interim can we get a policeman to direct traffic at peak traffic times. Chief Roop noted he had thought about that but that's a dangerous intersection for an officer to stand up in and direct traffic especially during rush hours. Councilwoman Neil-Heard suggested perhaps pedestrian walk signs would help.

Discussion then began on transferring the \$4,000 back to the Police Department's equipment budget. Councilman Taylor asked if this needed to be discussed during budget time. Mayor Kapp noted that was not necessary. It could be handled as a line item transfer.

Town Clerk Preli then noted from the floor that the actual amount originally moved was \$6,000. There was \$2,000 pulled from somewhere else. Robin Swain then spoke from the floor. She noted the \$2,000 was taken from the general fund as contingencies for the Clerk. Town Clerk Preli noted she understood it was for the Clerks but she did not know what specifically it was used for.

After some discussion Councilman Taylor noted that the request was for just the \$4,000 to be moved. He made a motion that reappropriated that money from retirement to Police Department equipment.

Motion made, seconded. All voted in favor.

#### **Town Center Property Purchase Proposal**

Mayor Kapp noted at the last meeting he was directed to get a Commercial Real Estate Opinion on the Town Center property. He indicated copies should be in the Council's packets. It's called A Price and Marketing Summary@ by Howard Blank, a commercial broker.

The Mayor noted that Mr. Blank based his findings on \$110.00 to \$115.00 dollars per square foot. He excluded the Old Post Office. Mr Blank had come up with a value of \$1,760,000.00 (One Million Seven Hundred and Sixty Thousand) to \$1,840,000.00 (One Million Eight Hundred and Forty Thousand).

However, on the bottom Mr. Blank states that the Town Hall is included. That means Town Hall is included in that \$1.7 million figure. If the Town Hall is subtracted the figure is \$1,375,000.00 (One Million Three Hundred and Seventy-five Thousand) to \$1,437,000.00 (One Million Four Hundred Thirty-Seven Thousand).

The Mayor noted he had also received a second opinion on inspection of the buildings. The Haymarket Grocery and the grey house. It was done by Soil Consultants Incorporated. He noted that basically what the report said is that those two buildings are a disaster. He then read a portion of the report:

After careful consideration and review of all data provided and collected, it is our opinion that the building code violations addressed in the above-referenced report are not only accurate but in our opinion understated. The hazards addressed throughout the report, while well documented and comprehensive, could have been written with a stronger emphasis on both fire and electrical hazards. To be quite frank, we were amazed that no loss of life has occurred to date. It was immediately apparent that both buildings had had numerous un-licensed, do-it-yourself electrical repairs@ (which Mr. Lowery indicated at the last meeting that a lot of people did electrical work in there without permits.) A...and additions and alterations performed by persons who could not have had an educated concept of the work they were undertaking.@

Mayor Kapp then stated the buildings are actually in worse shape than anticipated. He wanted Council to be aware of this so they could discuss it before Creston Owen comes. Mr. Owens is the person who has made a proposal to purchase the Town Center property.

Dottie Leonard spoke from floor. She noted the request was for a commercial appraisal. I know Howard Blank. He is not a commercial appraiser. She stated she worked in the same office with him a long time and she would not call him a commercial appraiser. She noted he does sell commercial property but he is not an appraiser. She stated that in order for you to know exactly what the property is worth you need a commercial appraisal.

Question was raised from Council asking if Mr. Blank is a certified appraiser. Mayor Kapp stated Mr. Blank is a commercial real estate broker. He also stated he was asked to get a commercial real estate broker for an estimate and that is what he did.

Mayor then opened floor for discussion.

Councilwoman Jarboe asked if a second opinion was needed and if the property needed to be appraised. Ms. Leonard stated she felt it would not be wise to sell without an appraisal. Councilwoman Jarboe agreed that was the only way they would know for sure what they were looking at. What figure they would be looking at.

Councilman Shepard then asked how this affected the Council's opinion on the sale of the property. It was agreed last month we needed to sell the property. It seems to me whatever the value is has nothing to do with the fact that we need to get out from under these buildings. Especially the management of these buildings.

Councilman Taylor agreed. He noted that as long as we can make some money on it, I think we definitely need to sell.

Mayor Kapp then mentioned he had also spoken to Alan Gossum about the sale. Mr. Gossum told him he wants to get rid of the loan. He doesn't want to carry it anymore. He will give us a 10% discount. Right now that amounts to about \$117,000.00 more that the Town will save on this. The \$117,000.00 the Town would save would be cash. If the property were sold for \$1.4 million then the town would have a \$400,000 profit. The Town could then pay off the streetscape and all other debt. Money would also be left over to refurbish the Old Post Office. He also indicated he will deal with the demolition of the buildings, with all the leases and everything else, and totally get us out from under the property management aspect of it. The Mayor stated his personal feeling is that we should go ahead and sell. He also noted that you'd have to go to the ARB to request a certificate of demolition. It has to go through the process before you can tear them down.

Pam Stutz was acknowledged from the audience. She asked if a vote had been taken to tear the buildings down. Mayor Kapp noted that the Planning Commission did but the ARB did not.

Councilwoman Neil-Heard noted that the Council wanted the Historic Preservation people to come out and take

a look at both buildings before they were demolished. Mayor Kapp noted that that process has no effect on the sale of the property. Because it had to go through the process whether the Town owned it or not.

Councilman Taylor noted his concerns about the letter from Soil Consultants. He noted there was some pretty strong language in that letter pertaining to the safety of the tenants and citizens. He indicated this is a pretty immediate issue that needs to be dealt with.

Mayor Kapp then addressed Mr. Lowery and asked him what date a letter was sent to the gray house residents. After discussion it was determined May 1<sup>st</sup> was the date tenants were asked to vacate the premises. Councilman Taylor asked if Mr. Lowery had read the letter from Soil Consultants and if he agreed with their assessment.

Mr. Lowery stated he was familiar with it. He further stated he felt May 1 was a viable date for complete removal of all persons within dwellings. He stated whether or not the buildings come down on May 1<sup>st</sup>, they have to be vacated. There shall be nobody occupying either one of these buildings after May 1.

Councilman Taylor noted the reason he asked was because the letter states: **A**In our opinion a 60-day deadline is unrealistic. The inhabitants of this structure are in danger from fire, structural collapse, and/or electrocution simultaneously. The structure as well should be declared as unsafe containing the imminent dangers outlined in Section 109, Emergency Measures of the Property Maintenance Code.@

Mr. Lowery noted he did not disagree with him at all. He mentioned that he and Mr. Dickson have worked as a team of inspectors for two years in three other jurisdictions in the State of Virginia doing these types of inspections.

Councilman Taylor then noted he felt moves should begin tomorrow to vacate that property. Councilman Sheppard agreed. Councilman Taylor stated that we need to do whatever we can do to help them get out and follow the suggestions stated in this letter and board it up.

Town Attorney Arledge noted that the Building Official has the authority to condemn the property. That if he condemned it, the tenants would have to move out immediately. But you have to give them some opportunity for them to find a place to live.

Mayor Kapp noted they have been trying to do that. In fact, Councilman Taylor has been working with Serve, the Department of Aging, and others. The Town Attorney then asked if there had been any discussion with any of the tenants about their plans for getting out. Councilman Taylor indicated he would talk to them tomorrow.

Councilman Miller asked if places had been found for them to live. Councilman Taylor responded he would have to make some phone calls to see what could be lined up. He noted that when he spoke to Serve they said when there's a need they can be contacted and they will address it. But they are not going to make reservations.

Councilwoman Neil-Heard noted they have been having a hard time finding a place. The Town Attorney noted that some alternative needs to be looked into for the short term especially to cover the period to May 1<sup>st</sup>. He then asked if the Building Official had condemned the building. Mr. Lowry noted effective May 1<sup>st</sup> the signs will be posted. He noted that you asked for May 1<sup>st</sup> to remove the people. I agreed to that because I felt that was satisfactory with the other conditions we have. After May 1, everyone should be gone. If their belongings have to remain, I don't have a problem with that until they find such time to get them those in proper place but the bodies must be gone.

Councilman Taylor stated he would get with the tenants first thing in the morning. He indicated we need to at least encourage them to expedite leaving. What I'm concerned about really is the mounting liability on the Town.

Councilwoman Jarboe asked if the Town was guaranteed by Serve that they can find adequate living space for the tenants. Councilman Taylor stated no. They told him it was something they will try and address. He noted that Server actually recommended the Council on Aging as a better source.

Discussion then turned to the grocery store. Town Attorney Arledge noted that June 1<sup>st</sup> is their date. He further

stated that one thing that makes it different is that it is not residential property. He also noted the Town has an existing lease with them. The lease calls for in some situations 60-day notice which is why there is a longer time frame on that.

Councilman Taylor noted the grocery store date is June 1<sup>st</sup>. He also stated he would write another letter to them that they will need to move from the property. Town Attorney Arledge stated he has had some communication with the attorney for them. But he has had difficulty getting phone calls returned.

Mr. Lowry then noted he would be forwarding copies of correspondence to the Council and Town Attorney concerning violations against the grocery store for non-compliance of issues that were written to them over six months ago dealing with the electrical, use of storage, and having a freezer blocking access to the electric room. He will also be issuing them a violation giving them 24 hours to remove the freezers and all other equipment. If they refuse to do that, he will take a Summons up to shut them down. They will also be receiving a notice of violation on illegal wiring to coffee pots, etc. Again, they will be asked to rectify these problems within 24 hours. Mr. Lowry also noted there is also other work that has been done that blocks a fire exit and that will be taken up as a separate violation.

Mayor Kapp asked if all of this was documented for six months and asked that Mr. Lowry get copies to him. Councilman Taylor then asked him to address one other thing in this letter that fuel is being stored with the combustibles over at the gray house and that he notify them to remove it. Mr. Lowry indicated he had asked them to move it it may already be gone.

Councilman Miller then asked who orders the tenants to vacate. Would that be the Council or would that be the Building Inspector? Councilwoman Neil-Heard indicated it would be the building inspector. Councilman Miller then asked what council needed to do.

Town Attorney Arledge noted the Town as a landlord should do what they can to have people leave as soon as they could. He further noted that Mr. Lowry, the Building Official, has evaluated the situation and has indicated he feels May 1<sup>st</sup> is adequate. That gives them a few weeks. We have to give them some notice so people can find another location to live in. Especially since this is not a situation where there is a gas leak, water has been cut off, or there is a sewage leak. This can be done more gradual. Not just drive them out.

Councilwoman Jarboe then asked what obligation the Town has to help find suitable housing? Town Attorney Arledge indicated the Council really doesn't since the tenants have been given adequate notice to leave.

Mayor Kapp greets Mr. Owen who has just arrived. Mr. Owens invited to speak.

#### **Discussion/Public Hearing on Proposal by Mr. Owens to Purchase Town Center Buildings**

Mr. Owens: Where do you want to begin? Do you want me to bring Council up to speed on how we got to today?

Mayor Kapp: That's fine.

Mr. Owens: I have not had the opportunity to meet all of you. My name is Creston Owen. I am a local entrepreneur. I own a company in Manassas called Falcon. That started here in Haymarket on Thoroughfare Road. As a hobby, I have invested a lot of time, effort, and money in the redevelopment of Old Town Manassas. I'm not sure if you have been down there recently. Could I ask you all if you have been into Old Town recently? Yes?

How many of you were there seven years ago, or five six years ago?

There were thirty-seven vacant buildings in Old Town Manassas when I moved Falcon from Haymarket to Manassas. I moved it because I was in a construction trailer and I didn't want to be breaking Town Code. If you now go into Old Town Manassas you will see what vision has done for Old Town. A man by the name of Lloyd Harris came and

met with me six years ago and said ACreston, I have cancer and I can't continue the vision of Old Town and you can. So, I did. In the course of the last five years, I've bought and redeveloped nine properties in Manassas.

The first building that I did was the building that Remax and Olympic Grill is in today, I bought that and renovated it and moved our business there. I then built a building which is where the Washington Post is and completely turned it into Nineteenth Century architecture. We then redeveloped the three buildings in front of City Hall, which the old White's TV was in. We actually received some awards for that building's renovation.

The Hibbs and Giddens building is my treasure. It's now an historical landmark. It is where the RW Books building is today, across from the Loy Harris pavilion. The latest one is the Fairfax Window Products building. Which was just an eyesore. If you go down there now you can see the boardwalk and the lighting and the building has 3D architecture.

The point is that redevelopment can happen in a very architecturally pleasing business and pedestrian friendly way. The City of Manassas has given me the Lloyd Harris Entrepreneur Award about two months ago which I am pretty proud of. I love Haymarket. I've been coming to Haymarket since the late 1960's when I used to wash dishes at Orendorf's. Orendorf's was where Sheetz is today. I would like to come back to Haymarket.

We are doing that in two ways. One Falcon is very close to signing their lease in the new Foster's building. So Falcon is coming back to Haymarket. We are very excited about this.

The Mayor and I were talking one day and I just think there is a real opportunity down here to redo downtown or old town Haymarket. I'm not sure I understand all the condemnation stuff and what's happening here. But my understanding is that that building (grey house) and that building (Haymarket Grocery) has been condemned. I think there is a vision I can bring to Haymarket of some very architecturally pleasing yet business friendly and pedestrian changes for the town.

In order to do that I issued a Letter of Intent to the Mayor three or four weeks ago. The intention in that letter states that with your approval I would like to acquire the property from the Town with a couple of caveats.

The first caveat was that the Red Rooster be saved and donated back to the Town as a historical landmark. It's a real gem but it does need some work. I'll be frank with you, I walked around it a little bit and it does need some work.

That transaction can happen a couple of different ways. One we can carve it out of the sale up front. Or, two we can fix it up and then give it back to the Town. Whichever Town prefers. That building needs to be saved. There's not that many historical buildings left, so that one needs to stay.

The other thing is the Town Hall. This Town Hall was a vision and dream of Mayor Kapp and I believe some other Council members. Town Hall needs to be able to save this for perpetuity. Forever, for as long as they want to use it as a Town Hall, they need to be able to. With the exception of the power bills and insurance being paid by the Town. Our intention is to allow Town Hall to use this space as Town Hall for as long as they want. That can be in the deed.

The intent is to find architectural review board approval to build and construct a new building in that area (old grocery store) with retail, office, and possibly residential mix use. I'd love to see a bistro there. The intimate shops and that kind of flavor is really what I'm looking for. Not a chain, not a store that comes and goes. More the small business owners, the gift shops, the jewelry shops, the hobby shop kind of thing.

Back here (grey house), I don't really have a plan yet. I don't know whether another type of building would work. But the bottom line is my offer had expired. Tonight I bring you a new offer letter that has the exact same terms and conditions that I originally offered. I won't go into the details, I will leave that up to Council to go into. However, I am more than happy to answer any questions that you may have about my offer.

Mayor Kapp: Council you have the floor. Any questions



Councilman Taylor: What kind of time line, based on your experience in Old Town, would you see for redevelopment of this project?

Mr. Owen: Post closing. My site plans are already started. Let me use an example. I have a piece of property under contract in Old Town. On the corner of Stonewall Road and Route 28, KC's Restaurant is across the street. Old Saint's is diagonal. The general development plan is done, survey's done, title work's done, architect has been hired, and I don't even own the property yet. I don't drag my feet. I can tell you that when I bought the Fairfax Window Products building five months later the first tenant was in it. The longest delay is getting the approvals from the City and the County not from my banker.

If we come, and the Council approves the project, then we turn to the building officials and the plans and review process. There is also the ARB step in there. The ARB of the City of Manassas would be will willing to speak to your ARB members to say that I have never had a project turned down. I've never even had a project delayed. Because I think the vision of what your are looking for is similar to mine.

Sorry for the long answer. I would say months.

Councilwoman Neil-Heard: As the Chair of the Historic Commission, we are looking at preserving or making a replica of the old store because a lot of people have memories and feelings about the store. Something similar or comparable to that Bclapboard siding Bsomething comparable to the Post Office or the museum.

Mr. Owen: Are you talking about the exterior?

Councilwoman Neil-Heard: Yes, the exterior.

Mr. Owen: Fine. That or brick, but that would be great. But can you do that three or four stories tall though?

Mayor Kapp: You can't go four. You can only do three.

Mr. Owen: Can we do that three stories and still make it look good?

Councilwoman Neil Heard: I have pictures from Manchester, Vermont and what they have done.

Mr. Owen: Excellent. Great ideas. In closing, I will tell you that Haymarket is a diamond and it hasn't always been a diamond. When I was a kid it was a tough place. What's here has got to be preserved. What square footage you have is so limited. So you have to be so careful, very careful, because it is such a small area that if it gets out of line, you don't know what you could end up with.

This should be preserved yet it also should have more ability for people to walk and entertain themselves. With shops and stores. This whole area could be the center of western Prince William County. A destination for people to come and spend their money. Support the local business owners and people who work here. It could be great Bnot that it isn't yet BI mean it is beautiful what's happened.

I'm going to publicly say that I can remember Mayor Kapp constantly pushing for the bricks sidewalks, park benches and light poles. No one thought they would happen but he stayed with it for years Bwhen I lived here. When I drove in tonight I see the brick sidewalks, and the lights, it's beautiful. I think it should continue. Any other questions, Mayor.

Mayor Kapp: Let me poll the Council. Dave? Sheila?

Councilwoman Jarboe: What do you perceive back here where the grey house is? What do you plan to do back there?

Mr. Owens: I think for any economy, you have to have proper mix. You have to have retail, residential, and commercial. You have to have all three. You have to have the small businesses yet at the same time you have to have an affordable place for people to live. I'd like to see mixed use. I'm not sure there's an over abundance of office space. That may be an option. I don't want to see a three story office building back there. I'd like to see residential and maybe a residential, commercial mix. I'm not sure retail will work back there. Retail is up here.

Councilwoman Jarboe: And the current tenants that are already in this building? Do you foresee keeping their leases?

Mr. Owen: Absolutely. Unless they are in violation.

Councilwoman Jarboe: My last questions is concerning this space. As long as you own it, there would not be a problem with the Town Hall being the Town Hall. But what if you decided to sell out and a new person came in?

Mr. Owner: That could be in the deed. First of all, I don't intend to sell it. But, reality says that it may, one day be sold. That could be handled legally at the time of closing stating that whoever did buy it, would have to accept that as a condition or they couldn't buy it.

Councilwoman Jarboe: That if it was sold the Town Council would have some say as to what's happening with it?

Mr. Owen: Well Town Council has complete say in regard to rezoning ordinances, your policies and procedures, your historical commission, your ARB. Could Town Hall accept or decline the future purchaser, I don't think that is a fair request.

Councilwoman Jarboe: That's not really what I was getting to. If you did sell the property, the potential buyer may or may not want to keep this. Would the Council at that time have some say as the future of a Town Hall.

Mr. Owen: Yes, but before you, the Council, would go to closing on the property, you would be recorded forever, that as long as a Town or City, because you don't want to limit it to the Town because you don't know what may happen in the future, so long as its an entity of Haymarket exists, that they have the right to use this area as Town Hall forever, and if that is not accepted by a future purchaser, they don't buy it. So, legally, then again I'm not any attorney, but they can write that into the deed. It's like an easement. That may be a bad example. But you kind of have a permanent easement from that door to that chair. The only caveat you have that the Mayor and I have discussed is the maintenance of this area would be the Town's responsibility. The utilities in this area would be the Town's responsibility. Insurance, furnishings, fixtures, would be the Town's.

Councilwoman Jarboe: How would you handle the parking?

Mr. Owen: I think with a redone site plan here we could pick up some significant parking. Especially without some of the sheds and additions and things like that. Maximum parking would be a goal.

Councilwoman Farr: You answered one of my questions already about the sheds and additions. You are going to take those down?

Mr. Owen: They are, I understand, condemned?

Mayor Kapp: Yes.

Mr. Owen: I don't want to commit to doing or not doing anything without coming before you with a complete site plan for your approval. I don't even have a survey on this property. We have a study period that we have requested that will give us a survey, the leases, and look at everything. I don't want to commit to anything until we look at it as a whole.

Councilwoman Farr: There is a parking problem right now. There is a traffic load problem as well. Are you going

to do something about that?

Mr. Owen: I will do whatever I can within my power and within the guidelines of development of your Town.

Councilwoman Farr: My third point then, isBI= the property owner next to the Town and right now I guess we have a 9 to 5 neighbor including weekends. So what will happen to that?

Mr. Owens: Let me understand your question. You as a property owner next door? Are you asking me that as the property owner or as a Councilperson?

Councilwoman Farr: Property owner.

Mr. Owen: Is that appropriate?

Mr. Kapp: I don=t know why not.

Attorney Arledge: It=s okay.

Mr. Owen: As a property owner you want to know what happens to Teaching the Basics. Their a customer, they are in the property, they have a lease.

Councilwoman Farr: And they lease land from Wallace Bailey, that is where their playground is.

Mr. Owen: That=s a relationship between them and Wallace Bailey, not me.

Councilwoman Farr: I agree. But the school itself?

Mr. Owen: Has a long term lease or a short term lease?

Mayor Kapp and others: It has a 5 year lease.

Mr. Owen: What are you asking me? The lease would be honored. All leases would be honored.

Councilwoman Farr: Until?

Mr. Owen. Until they expire. Then they go through renegotiation. I have had no turnover in any property I own. RW Books has been there since the day I bought it. We have renegotiated their lease twice. Washington Post has been there since the day I built it. We have renegotiated their lease once. It=s a three year lease. The clock shop in front of City Hall. We don=t get rid of good paying tenants.

Councilwoman Farr: Will you do a survey of the property?

Mr. Owen: It=s required to do a survey. My understanding there is a survey that has already been done. A survey would have had to be done before the Town bought the property.

Councilwoman Farr: There are no iron spikes.

Mr. Owen: I=m sure a survey was done. If there wasn=t a survey done, our office is contingent upon a survey. We will have a full survey done.

#### **Citizens TimeBProposed Sale of Town Center Property**

Floor was opened to citizens to discuss Mr. Owens= proposal to purchase Town Center buildings.

Question was asked whether the facade of the building would be modified. Mr. Owens indicated it would be.

Second citizen (Dennis) indicated he had a couple of questions. Counting the existing space that you would keep. How much additional space would you be adding? What is your anticipated rate of return? I'm sure a commercial banker would want to know that. And, third, is your lender someone who is committed to Prince William County so if the economy turns down they aren't going to want to bail halfway through the project?

Mr. Owen: First, I don't need a lender to do this. My financing whether its \$1.00 or the entire project is not something I need to discuss with you until I come to the table and meet qualifications.

Your first question was the replacement property. Again, I have no survey and I have no site plan. But, the increasing of the footprint size of the building may be difficult to achieve at the existing grocery store. You don't want to lose any more parking. You want to pick up parking.

Citizen, that's not my question. My question specifically is do you have ballpark amount of square footage you want.

Mr. Owen: I would say 4,000 to 5,000 square feet footprint times three, which is 15,000 square feet here. In the back I don't know yet.

Citizen: My second question is what is your anticipated rate of return. Have you come up with a fairly bargained price or not. I generally think an investor wants to earn maybe 15% or something on his money.

Mr. Owen: Obviously, I want to turn a profit. But I will tell you that's not why I do what I do. When I did my first building in Manassas it wasn't to turn a profit it was to renovate the building and do something better for the area. I have done well with real estate. However, it's a hobby and passion. There is a bigger reason for doing some of this than just profit. The third question I would prefer just not to answer at the time.

Mayor Kapp recognized Dottie Leonard from the floor.

Ms. Leonard: I like your concept very much. To tell the truth I'm feeling a bit sick to my stomach about the Town giving up the Town owing the property. We voted for those people and each one of them must know that this is the Town's investment. The Town made that investment and I know personally how much this property is worth. I was the top producing commercial realtor in Prince William County in 1999. I know the property is worth more. However, I like the idea. I wish this looked like Old Town. I know there are already things that haven't been done right here. I like your ideas. I had the vision for the brick sidewalks. Jack Kapp was the person who carried out my vision for the town. I want to believe in you. I met with Lloyd Harris. Jack and I met with him at Chamber meetings about redevelopment. I know what his dream was for Old Town and I have seen it come to pass. One question I do have is that I have been told that you are not a one man person that you have partners? Is that correct?

Mr. Owens: On certain projects I have projects. On certain projects I own them 100%.

Ms. Leonard: So how many of those nine buildings do you own by yourself?

Mr. Owen: I don't think that's an issue. That's a personal question. Let me just say I control all of them. I either own the controlling interest or I have the controlling dollars in them. But in every partnership I'm involved in, except for one. I take that back cause I think I'm sharing with Sharon (my wife) on some of them we do have investments her and I. But, I am either the managing partner or own the controlling interest in stock. That goes with Falcon, Focus PointBall of our companies. Have I had investors? Yes. Have I had partners? Yes. Do I intend to have any on this project? No. I don't have any investors or partners on my condo project in Old Town or the nine acres I bought in Montross, Virginia yesterday. Early on I did have partners. Bankers did not support me on my first project. This would be a pet project if you will.

Ms. Leonard: I like the fact that you are a local boy coming home to do something. That part impresses me. I need to ask you one more question. You may not want to answer it. I don't want to offend you, but are any of the local people in Town in partnership with you?

Mr. Owens: No. I have no problem answering that either.

Mayor Kapp recognized Linda ??? from the floor.

Linda: I just want to follow-up on the point that Michelle made as Chair of the Historic Commission. I'm on that as well. We just went through hell to get the museum restored to its original state. Would you be willing to sit down with us to see if you could do similar things as you create your buildings?

Mr. Owens: Absolutely. I can't image anyone coming in to this Town and not doing that. The first meeting I want to have had is with the Chairman of the ARB. I wanted to know their vision, what they want. When I meet with ARB I would like them to show me a picture of what you like. I would take that to my architect and ask him to design a building like that. It's critically important. Plus it will save me time and money. It's costly to redo sight plans and architectural plans. I'd rather meet with you all first and say sketch me a picture, show me a book of what you want to see on that corner.

Mayor Kapp recognized Pam Stutz from the floor.

Ms. Stutz: Would you put that in your contract? What you just said. That you would be willing to restore or try to restore the buildings to what was originally here.

Mr. Owens: That's not what I said. She said would I meet with the Historical Commission/ARB and find out what their vision is and would I employ those concepts. And I would be willing to put that into the contract.

Ms. Stutz: I heard you say that you would honor the present leases. I'm the one that has the Red Rooster. But I also heard you say as long as they are not in violation of anything. The building is in desperate need of repair. Would that alter your opinion of maintaining my lease?

Mr. Owens: The answer is no for two reasons. One, what I deem a violation is non-payment of rent and/or something illegal. Like you are putting nuclear waste out the back door and you are not supposed to. Bottom line is your lease is your rent. Number two, the Town will still own that. That property is going to remain the property of the Town of Haymarket.

Ms. Stutz: But you are going to put into the contract that you want it restored? Is that what I understand? You are going to take that particular piece out of the mix?

Mr. Owen: Correct. I believe it should stay with the Town because it is one of the few truly old historical buildings in Haymarket. My original offer was to take that property and then I was asked if I would consider giving it back to the Town. So I lowered my offer and gave it back to the Town.

Ms. Stutz: May I ask who requested that?

Mr. Owen: Mayor Kapp.

Ms. Stutz: Can I ask why.

Mayor Kapp: Because I think the Town should own the historic property. Now, I'm sure if the Council or you would ask him to raise the price back to where it was and he keeps the building. I think he'd probably do that.

Ms. Stutz: Because I would like to see, no offense to the Council, but I think we have a better chance of it getting restored if it doesn't go to the Town.

Mr. Owen: Mayor just for the record, or for your minutes. Whether it is the original offer that we discussed or this one, the difference in the price is \$100,000. If the Town would prefer the first offer and take the Red Rooster or the current offer which is to leave the Red Rooster (Old Post Office). Either offer works for us.

Mayor Kapp: The offer was \$1.5 million which includes everything except the Town Hall or \$1.4 million and the Town keeps the Town Hall and the Old Post Office.

Mr. Owen: Keep the use of the Town Hall and the Old Post Office.

Attorney Arledge: Can you give me your thoughts on exactly how you would structure the Town Hall property. More like condominium or long-term lease?

Mr. Owen: Condominium, no. Unless you want you to condo it and I'll buy it that way. Very long very expensive process. The Mayor and I talked about it and researched it. We called our counsel Vanderpool, Frost and Nashian. They said long, drawn-out expensive process. Certainly a long-term lease is easy. Whatever language is requested by you as counsel or by the Mayor to be written into the deed. I'm sure that between your firm and our firm the language can be worked out.

Attorney Arledge: It's just this is just a little bit unusual. What about a 99 year lease? I just wondered if your counsel had any thoughts about this.

Mr. Owens: Maybe be a 99 year lease at a \$1.00 per year and I write Mayor Kapp a check for \$99.00 at closing and he turns around and writes me back a \$99.00 check for the first 99 years.

Mayor Kapp: Then we only have it for 99 years.

Mr. Owens: The only thing that would break that lease is if the Council stopped using this as Town Hall.

Mayor Kapp: The attorneys can fight that one out. The main thing is that you put it in there that the Town Hall is the Town Hall forever.

Mr. Owens: I agree with the Mayor. Let the attorneys work that out. I'm a visionary, an entrepreneur, I'm not an attorney.

Attorney Arledge: I'm just trying to think further down the road. Moving on, were you aware that the grocery store has a 72-hour right of refusal on the sale of the property in their lease?

Mr. Owen: I'm sorry what?

Attorney Arledge: The grocery store has a 72-hour right of first refusal on a contract on the property.

Mr. Owen: My understanding is that's in the property as a whole. If the grocery store wants to buy it from me in five they can have it.

Mayor Kapp recognized Marie from the floor.

Ms. from the floor: I've found out that three stories is the height allowed here. Would it bother you to only have a third floor added here?

Mr. Owens: I'm not a structural engineer. This building was constructed in the 70's to 80's. This building is not designed structurally to support a third floor. The only thing that can be done here after meeting with the ARB and Historical Commission is a new facade.

Mayor Kapp recognized Nancy Bailey from the floor.

Ms. Bailey: Do you have any plans or thoughts that would be conducive to our younger children?

Mr. Owens: I can't think of anything.

Mr. Bailey: Since I been here and you've been here a long time too, you know we don't have anything for our kids.

Mr. Owens: I could advertise, promote and try to recruit some businesses. I'll just use Old Town Manassas as an example. Sloan's Antiques is in Occoquan and Woodbridge today. They are moving into one of my buildings in Old Town. Why are they moving into my building? Because we went down there and got Mrs. Sloan to come look into that space. She fell in love with it. Foster's Grill the reason they are in Old Town is because I begged them to come into Old Town. They did not want to come, they refused to come, until I offered them free rent. It is now their No. 1 store. Subway Sub Shops also did not want to come. We recruited them. My point is, you don't just build a building and they will come. You've got to bring the right kind of tenants. The right businesses that cater to the balance. But specifically for kids, I just don't know how to get there from here. If there is a tenant that makes sense. I don't want a Chuckie Cheese in old Town Haymarket. I am open for ideas.

Ms. Bailey: What about a hobby shop? With a race track for remote control cars. They also have things kids can buy.

Mr. Owens: That's a great idea. But I'm not sure it would work in that building on Main Street. I think that concept would work well more in an industrial type of space than in a retail space. Where I would like to see a florist or a jewelry shop. A hobby shop would work but the indoor track concept. It needs more square footage than what that building would allow.

Ms. Bailey: What about the end of this building?

Mr. Owens: In this building. Wait a second...I don't own this property yet..but I have a business I met with tonight that wants to come here. It's a music store. Sheet music and they restore antique pianos. He gives music lessons to school kids and he rents clarinets and trumpets to the kids at Stonewall and Osbourn. He said he would like to be in Haymarket. That would be something good for the kids.

Mayor Kapp asked if there was anyone else. The attorney has said we can go into closed session to discuss this. I think that would be appropriate for us to do that at this time. We won't be there long and when we come back we will finish tonight's agenda.

Councilwoman Jarboe: I move that the Council convene into closed session pursuant to the public meeting exceptions in the Virginia Freedom of Information Act contained in Virginia Code Section 2.1-3711a, Subsection 3, for the discussion or consideration of the acquisition of real property for a public purpose or the disposition of publicly held real property where discussion and open meeting would adversely affect the bargaining position or negotiating strategy of a public body. The substance of the matters to be discussed in the closed session shall be restricted to the consideration of purchase proposal of Creston M. Owen and alternatives regarding the Town Center property.

Councilman Sheppard(?): I'll second it.

Mayor Kapp: I have a motion on the floor and seconded. Discussion? All in favor?

Motion passed unanimously. Council adjourned into closed session

**Council returned from closed session at \_\_\_\_\_.**

Councilwoman Jarboe: I move that the Council certify that to the best of each Council Member=s knowledge and recognized by each Council Member=s affirmative vote only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and only such public business matters as were identified in a Motion by which the preceding closed session was convened, were heard, discussed, or considered during the closed session of the Council meeting and that the entire substance of this motion and the vote of each individual member be recorded and included in the minutes of this meeting.

Mayor Kapp: I have a motion on the floor, is there a second:

Councilman Sheppard(?): I=ll second.

Mayor Kapp: Take a written roll call please.

Clerk took roll and Council answered as follows:

Councilwoman Farr:	Here
Councilman Miller:	Yes
Vice Mayor Sheppard:	Yes
Mayor Kapp:	Yes
Councilwoman Jarboe:	Yes
Councilman Taylor:	Yes
Councilwoman Neil-Heard:	Yes

Mayor Kapp: Just very briefly, we are going to put an ad in the paper and solicit proposals for the property. Deadline is two weeks from today. It will be put in the paper immediately. A continuation meeting will be held two weeks from tonight.

**Treasurer=s Report**

The audit was the first order of business. Mayor Kapp indicated that the audit had come back. It was signed by Miller, Mussmer. Copies will be available. Mayor Kapp proceeded to read the first page for the record:

AThere were many reasons that the Town=s Annual Audit Report was delayed. During the 2002 calendar year the Town Clerk position changed four times, starting with Jeannie Heflin, to Pam Spillman ending with Jennifer Preli. An audit requires the Town financial status be completely reconciled after the audit begins. We discovered the Statements of Financial Position that we received were not complete. Our procedure discovered many unrecorded checks and payroll checks. Payroll liabilities were stated as negative amounts. Real estate acquisitions were omitted. They all had to be corrected and reconciled. Also discovered were large transposition errors. We also discovered discrepancies with deposits. Opening cash balances were understated by a material amount. Another cash deposit account CD was completely omitted from Financial Statements. We also discovered mis-classified deposit entries. Considerable time was spent with the Town Clerk to correct discrepancies. As we discovered errors, we were required to increase our testing to broaden our audit. As we did so, even more discrepancies were discovered. This increased amount of procedures far exceeded the budgeted amount of time. The Clerks were made aware of additional work that was required and errors discovered as more time was spent to continue the audit. I hope that this addresses the many obstacles we had to overcome to complete the audit of the Town. Please feel free to contact me at (telephone number) should you have any other questions regarding this matter.@

Mayor Kapp then noted the cover letter to the bank from the auditor states:

AWe have audited and determined the status of the financial picture of the Town of Haymarket as of June 30, 2000 and the remaining statement of activity and changes of net assets for the fiscal year then ended.

These financial statements are the responsibility of the Town=s management. Our responsibility is to express an opinion on these financial statements based upon our audit. We conducted our audit in accordance with auditing



standards generally accepted in the United States.

Those standards required that we plan and perform the audit to obtain reasonable assurance on whether the financial statements are free of material mistakes. An auditing includes on a test basis evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management as well as evaluating the overall financial statement presentation.

We believe our audit provides a reasonable basis for our opinion. The management of the Town were not able to present a statement of the cash flows for the year ending June 30, 2000 due to the lack of reliable financial statements for the year ending June 30, 1999. Presentation of such statements summarizes the Town's operating, investing and financing activities required by accounting principles generally accepted in the United States.

In our opinion, except that the omission of a statement of cash flows result in an incomplete presentation as explained in the preceding paragraph. The Financial Statements referred to above present fully, fairly in all material respects the financial position of the Town of Haymarket as of June 30, 2000 and changes in its net assets for the fiscal year then ended in conformity with accounting principles generally accepted in the United States. @

Mayor Kapp noted he received this information today and he would provide copies to Council. He further noted that the past Council had voted that an audit be done of the next year, FY 2001. This has been discussed with the Clerk and the Auditor and once the records are provided, given the state of paperwork from the fire, they indicated they could provide an audit within 90 days.

Town Clerk Preli was recognized from the floor.

Clerk Preli noted she has an estimated goal of providing the information by June 1. I had first attempted to make it May 1. The Auditor felt more time was needed. I am shooting for June 1, however I cannot put that in stone. I am trying to get an accurate Accounts Receivable figure. One of the problems we have is that there has never been a year-end reconciliation. If this has been done it has never been presented to me. This poses a serious problem when trying to perform an audit because you don't know where you stand. In other words, there are monies collected this year that were actually due on receivables from last year. We have never had a year-end balance on receivables. At least to my knowledge. I am trying to create that so that we have a year-end receivables and we know where we stand. Our payables are okay, we have been paying our bills. The receivables are the real issue. If there is a delay in meeting the deadline, it will be due to that. Data entry that I am trying to get done.

Mayor Kapp note the audit needed to be priority one. We should work very hard to meet the deadline

Town Clerk Preli noted that copies of financial records are always available for anybody who wants to see them.

### **Unpaid Bills**

Mayor Kapp noted there were no unpaid bills.

### **Business License**

**Carlos Casterelli, Automotive Shop, Jordan Lane.** Mayor noted the building had been a garage for a long time. Its use is grandfathered.

Motion was made, seconded and floor opened for discussion.

It was noted that Mr. Lowry had inspected the property and applicant advised that some changes were needed. Applicant has agreed to have building come into full compliance over the next several months. It was further noted that the cars that had previously been on the property had been removed.

Motion voted on and passed unanimously.

**James Sheppard Automation Consultants.** Home business. Councilwoman Neil-Heard made motion to approve. Seconded by Councilwoman Jarboe. Motion passed, with Vice Mayor Sheppard abstaining.

**M&I Auto.** Grandfathered use. Mr. Lowery has inspected. Motion made, seconded and floor opened for

discussion.

It was pointed out use was allowed even though now a non-conforming use because the use had been applied for prior to 1983. Therefore use is grandfathered.

Motion voted on and passed unanimously.

**Perfect Auto.** Grandfathered use. Mr. Lowery has inspected.

Noted does comply because it is under the old 1980's code that allowed a bathroom within 500 feet of your working location.

Motion was made, seconded and floor opened for discussion. Noted the second page of application was missing. No vote taken. Moved on to next application. Motion tabled.

**Sign Permit Application, Old Bank Insurance.** Hanging sign. ARB has approved.

Motion was made, seconded and floor opened for discussion.

No discussion, motion passed unanimously.

**Sign Permit Application, M&I Auto.** Standard car dealer sign. ARB and Planning Commission approved it.

Motion was made, seconded and floor opened for discussion.

No discussion, motion passed unanimously.

**Fence Permit Application, 6921 Jockey Club Lane.** Approved by ARB and Planning Commission. Diagram and plat provided. It was noted the fence would be on Service Authority easement. A letter from the Service Authority needs to be obtained allowing the fence to go into the water line easement.

Motion was made to approve and not issue a permit until Service Authority letter needed is be provided.

Seconded, and floor opened for discussion.

No further discussion. Motion passed unanimously.

#### **Construction Permit**

**14713 Dogwood Park Drive, Oak Ridge Development.** Request approval to construct a deck. Approved by the Planning Commission. ARB approval needed. Send back to ARB for approval.

#### **Planning Commission**

Nothing to report at this time.

#### **Architectural Review Board**

Architectural Guidelines will be done after next meeting. Work session will be scheduled.

Mayor Kapp noted he received a letter after last ARB meeting from his wife and states as follows:

AAAs a member of the Architectural Review Board, I was appalled at the comments of Ron McGuinness at the meeting on Wednesday, April 2, 2003. We were discussing the Architectural Guidelines and Mrs. Leonard stated she thought the original guidelines might have burned in the Town Hall fire on January 29, 2002. Ron McGuinness blurted out >too bad you weren=t burned up=.

The rude and disruptive behavior and comments made during public meetings by Ron McGuinness are outrageous. If he continues in this matter, I would request the Town Council bar him from all further meetings in the Town of Haymarket. Hate and evil should not be tolerated.@

Letter was given to Town Clerk with request it be put into the record.

#### **Historic Commission**

Reporting on work at the museum that Mr. Lowry noted need to be completed. Out of the eight times only a few left

Regarding the need for a railing. Two bids have been received that will be presented before the Commission at their next meeting.

Also, the light needed by the rear ramp has been put out to bid. Contractor for the project has indicated he will

donate a lamppost at the rear of the building. His permit will be presented to both the ARB and Planning Commission.

#### **Old Business**

**Town Hall Parking.** Mr. Lowry noted that time has run out for the Town to do something with the parking lot. This was requested 10 months ago. Part of the building behind Town Hall was to be torn down to allow one way traffic flow. Asked why work has not been done.

Mayor Kapp indicated he would get bids on having the necessary work done. They would be presented at the next Council meeting. Mr. Lowry also noted several of the old sheds would need to come down. Mayor will include this work in the bid.

**Permit Process.** Town Clerk Preli reports that since last meeting Mr. Lowry had called many of them. The problem has been the need for a system to be put in place to track better. People are waiting to pick up permits, but permits also are not being picked up because they are not being paid for. The reason they have been held is also due to some confusion as to whether they have been paid for or not. Changeover of Town Clerk position has also been a factor. Fees from last year have not been collected. Town Clerk Preli and Mr. Lowry have met and will continue to meet so procedures can be put in place.

**Road next to Red Rooster.** Question was asked if road is one-way. Mr. Lowry noted it should be one way going out once the sheds, etc. are torn down.

Councilwoman Farr felt that it should be done now even without the entire one-way system in place.

Mayor Kapp proposed a motion to allow the purchase of the necessary signage to make that a one way going out.

It was noted that at one time Alan Gossum has volunteered to do the work

Motion made by Councilman Sheppard, seconded by Councilwoman Farr. No discussion. Motion passed unanimously.

#### **New Business**

**Electoral Board.** The Electoral Board has asked that Town Hall be used for Town voting. Mayor Kapp felt this should not be done because of the parking issues. He proposed the Town Museum be used instead. Noted that with new ramp that has been put in, it is handicapped accessible and on a Tuesday during the day, the Museum will not be open.

Question was raised as to how many people this would involve. It was noted that at last Town Council and Mayor election 240 came out.

Concern was raised that bringing in the voting machines might tear up the floors. Electoral Board does not want to continue using Pace West because it is getting overcrowded. Mayor Kapp noted elections would be held at the new high school beginning November 2004. Mayor feels Town elections should not be held there. Too far to go.

It was then suggested that perhaps the Greenhill Crossing community center building be used instead. Councilman Taylor said he would check on that possibility.

Pam Stutz then spoke from audience that Greenhill Crossing probably would not be suitable. She noted that the machines are brought in 10 days to two weeks ahead of time and that they must be in a secure place. Town Hall was probably suggested by them because it could be secured. She also noted that the parking problem should be resolved by next year.

Mayor Kapp noted that parking could also be across the street. The floor was then opened for comments.

Question was raised about it being a conflict of interest to have town elections held in the Town Hall. Attorney Arledge indicated that it would not be. It is not unusual. Voting places usually in public buildings.

It was decided that other buildings in town would be looked at. The matter would be discussed and decided upon at the continuation meeting in two weeks.

Other items to be discussed at the continuation meeting would be the budget and Bluemont.

#### **Other items of Business**

Public Hearing. May 5, 2003 there is a public hearing scheduled to discuss sign ordinance and shared parking.

Chesapeake Bay Act. Noted not ready yet.

Planter Boxes. Councilwoman Farr indicated she would take care of that.

Flagpole for Town Hall. Ruritan Club has agreed to donate and put in a flagpole at Town Hall. It was decided matter would be discussed further at a future meeting.

Clean-up Day. Scheduled for April 26, 2003.

Spring Festival. Children entertainment being worked on by Councilman Taylor. Noted the Bull Run Cloggers would be there. Details still being worked out.

Internet Service. Decision needed. Town needs to upgrade to DSL or cable. Comcast is the best but would be \$150.00 per month. DSL, Verizon would be cheaper. They would be \$69.99 per month.

Motion made by Councilman Taylor to install Verizon DSL with installation costs of \$175.00 and \$69.99 per month for two years. Motion seconded. Motion passed unanimously.

Meeting continued to 7:00pm on April 21, 2003.

Meeting adjourned.

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