

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

TOWN COUNCIL MEETING  
March 3, 2003

MAYOR  
John R. Kapp

COUNCIL

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

Mayor Kapp called the meeting to order at 7:30 p.m.

Reverend David Jones led the Council in prayer.

Roll Call

**Citizens Time**

Nancy Bailey asked Attorney Arledge what the Freedom of Information act is and what the rules and regulations are for the tax paying citizens to request information under the Freedom of Information Act. Attorney Arledge responded by saying the Freedom of Information Act relates to documents and in a broad sense is anything in immediate format that could be computer disks, tape recording, writing any sort of thing where you record information. There are two parts to Freedom of Information Act. One is public meetings and the other is access to public documents. There are a few exceptions. For instance, when Council goes into executive session. Documents have to be available to citizens, with certain exceptions, which are set out in Virginia state code. There is a provision that says when a request is made for documents the locality has five days to respond to that request, and if, because of the volume or the difficulty of obtaining them takes more than five days, they can automatically get an extension by notifying the party that they will need an additional seven days. If that's not enough they can go to the circuit court and request more time and request relief from the circuit court. The act requires that you request a document and it requires reasonable specificity, so that you know, when a request comes in, what it is you should be looking for. You can't just give a broad request that doesn't have perimeters. The locality can require payment for the time for searching for the documents and the actual cost of copying. If it exceeds \$200, the locality can notify the requester before copying and researching and the requester must give a deposit up front. Nancy Bailey asked if the requests had to be in writing. Attorney Arledge responded by saying that they don't have to be in writing, but some localities require a complex one be placed in writing. Nancy Bailey asked if listening to the minutes of meetings should be in writing and if it would take five days. Attorney Arledge responded by saying if there was a problem with availability of it or if the locality only has one copy and the tape can be erased or something. Mrs. Bailey said all they need to do is take the cap off. Attorney Arledge said on the locality can also make a copy

of the tape. If someone wanted to come in and listen to a tape it shouldn't be a problem. Mrs. Bailey asked if that was five working days. Attorney Arledge confirmed that it was five working days. Mrs. Bailey asked what roll the Mayor plays in the Planning Commission and Architectural Review Board meetings. Attorney Arledge responded by saying he doesn't play a formal one, but he is a citizen. Nancy Bailey asked how many members of Council do you need to have a meeting. Attorney Arledge replied by saying that there should be four members of Council to have a quorum for a meeting, but the Charter say also says that the Mayor is a member of Council. It is Article three, subsection 2-7. It says the Mayor is a member of Council. Nancy Bailey asked if the Mayor told the Planning Commission to use the Codes that are appropriate when they are approving or disapproving. Mayor Kapp replied by saying he did and he will again mention to Chairman Duckett. Nancy Bailey said that at the Planning Commission meeting on Monday, Mayor Kapp made a gesture to tell the Planning Commission Chairman John Duckett to cut the meeting off. Mrs. Bailey felt as though that was inappropriate conduct. Mrs. Bailey referred to her 1099's being late. Mrs. Bailey called Town Hall and asked about it and she was told Town Hall would check on it and five minutes later it was delivered to her house. Mayor Kapp noted that Stephanie Glaze attempted delivery before and there was no answer. Mrs. Bailey said she had requested information on the water district and it was late getting to her.

Chuck Carnahan asked about the financial report for Town Center property. Jennifer Preli replied by stating Town property was reflected in the report. Chuck Carnahan would like to see the Town Property on a separate report.

Pam Stutz noticed the demolition reports are in the packets. Mayor Kapp noted that they were in the packets, but nothing can be done on them because of the asbestos testing that will need to take place. Pam Stutz asked council what is going to be done with that property when and if the buildings are demolished. Mayor Kapp discusses the possibility of the buildings being demolished. The gray house might become a parking lot. As for the Grocery Store, there have been discussions of the possibilities for the building.

Linda Childress asked why council couldn't share what the possibilities for the grocery store property now. Mayor Kapp noted they were in negotiations. Negotiations could be jeopardized.

Connie Henderson said she was notified by the newspapers of the condemnation of the gray house. Mrs. Henderson takes residence in the gray house. Mrs. Henderson stated there were no leaky faucets and no leaking sinks. Mrs. Henderson noted she had a fire, because an electrical outlet was overloaded. Mayor Kapp noted he spent a half a day on the wiring. In Mrs. Henderson's opinion there is nothing wrong with her apartment. Mrs. Henderson is currently working in Haymarket and she can walk to her job. Mrs. Henderson does not want to move. Mrs. Henderson stated the council wanted a parking lot. Mayor Kapp noted the Town also wanted safety.

Linda Landwehr stated in the packets, council has a letter stating that is proposed to be sent to Prince William County board of Supervisors regarding the Market Center proposal and Midwood Center proposal. The letter refers to the town's right to review any changes within one mile of its boundaries. Mrs. Landwehr requests the Town Council and Board Chairs sign

letter to the County's Supervisors exercising the right to review changes within a one mile radius of Town boundaries.

Citizen concerned about visibility getting onto Washington Street from Jefferson Street. Mayor Kapp noted VDOT turned down the possibility of getting a traffic light. Another possible solution is a four way stop and that is in the process.

Dave Herndon ran quotes for Dental, Life and Disability Benefits. (Plans attached.) Mr. Herndon recommends Trigon/Anthem Blue Cross Blue Shield.

### **Minutes of Previous Meeting**

Motion made to note changes and corrections and dispense with the reading of the minutes by Vice Mayor Shepard, second by Councilwoman Jarboe. Ayes: all. Nays: none. Carried by a 4/0 vote.

### **Police Report**

Copy of report attached. Mayor Kapp stated Chief Roop and him have been working together to put information out on homeland security and soon will be available for citizens.

### **Treasurer's Report**

Jennifer Preli noted the admin costs for Town Property. Town Clerk Preli stated Town might want to consider hiring a Property Management Company. Ms. Preli noted sometimes there were no paper records to indicate where a deposited amount came from. Prince William County sends a direct deposit and some of those miscellaneous deposits could be direct deposits from the County.

Pam Stutz noted the report is helpful. Mrs. Stutz asked about the miscellaneous expense. Town Clerk Preli stated the Misc. expenses are available in detail. Town Clerk Preli stated that if anyone wanted to see financial statements, at anytime, they are available at the Town Hall.

Chuck Carnahan believes the utilities should be separated from Town Property and Town Hall. Mayor Kapp noted the whole building is on the same electrical meter.

### **Unpaid Bills**

Councilwoman Jarboe noted she had a \$15.00 check and when Glen Phillips purchased the Zip drives for the Town Hall, he saved the Town \$15.00.

Nancy Bailey inquired about the status of the Audit. Town Clerk Preli responded by stating that Judy Wright, the auditor, is not recommending an audit for 2001 and 2002.

### **Business License**

Perfect Auto. 6707 Jefferson Street, office #3. Motioned by Vice Mayor Shepard to approve, second by Councilman Miller. Mayor Kapp Noted that the property is currently zoned B-1 and is grand fathered. Jim Lowery stated that at a previous meeting, Council agreed to have the Building Official review business license applications before it goes to Council to determine if the location can have a business or not. Mayor Kapp tabled business license, so the Town Building Official could review it.

Patriot Mortgage. Mayor noted that this was just a change of name from RBC Mortgage. Motion was made by Vice Mayor Shepard, Seconded by Councilman Miller. Councilwoman Farr noted the zoning was r-1 and Mayor Kapp stated the original said b-1. Ayes: Miller, Shepard, Jarboe. Nays: none. Abstain: Farr.

#### **Construction Permit**

6768 Madison Street, Chio, deck and porch. PC approved. Motioned by Vice Mayor Shepard to approve, second by Councilman Miller. Ayes: all. Nays: none. Carried by a 4/0 vote.

14851 Washington Street, Rafferty, deck roof. Jim Lowery stated that the deck roof had already been built before the current property owner bought the property. Vice Mayor Shepard made a motion to approve pending the Planning Commission's approval. Seconded by Councilman Miller. Ayes: all. Nays: none. Carried by a 4/0 vote.

Section 1, Lots 7, 8, 9, 10, 11, and 12, Oak Ridge Builders. Vice Mayor Shepard made a motion to approve, seconded by Councilman Miller. Ayes: all. Nays: none. Carried by a 4/0 vote.

#### **Demolition Permits**

Mayor Kapp tabled because there needs to be an asbestos test ran.

#### **Historical Commission**

Linda Landwehr stated Michelle Neal-Heard was out last week and they are waiting for new inspections.

#### **Building Inspector**

Mr. Lowery states that starting June 1<sup>st</sup> the Building Permits will have to be approved within a two week time period, as new State law.

Mr. Lowery stated condemned another property in Town and that no one is being picked on.

Mr. Lowery also stated that a few of the roads in town are private roads and may need to be handed over to the state because they were made to state codes.

Mr. Lowery was given direction to take plans for 18<sup>th</sup> Century Haymarket to a Prince William County employee who requested them. Plans should not be issued unless a Freedom of Information Act Request was given. Mr. Lowery hand delivered the plans and found that the plans were actually for an individual that worked for the County Government. VDOT will need to look at the plans and the problem.

The Piedmont development is encroaching on Town Property. Seven homes will be built along Jordan Lane and the back of the homes will be seen. Prince William County Planning Commission has approved it.

The past few snows there have been a lot flooding issues and icy sidewalks. A big problem is downspouts draining onto the sidewalks.

Chuck Carnahan asked where the other condemned building is. Mr. Lowery replied it is the gray house next to Madison Street Shop.

### **Old Business**

Shared Parking – Vice Mayor Shepard stated that he had reworded and taken some information from the City of Manassas. Vice Mayor Shepard stated he wanted to take it through the Planning Commission.

ISTEA – Mayor Kapp stated the \$18,000.00 that the County owes the Town is currently being processed. The \$34,000.00 that the four Mayors and the four Chiefs were able to get out of the County is being processed. There is also a \$100,000.00 grant that the Town cannot apply for, but the County can apply for the Towns. Mayor Kapp stated they are working on getting a share of that. It can be used for Homeland Security, communications, laptop computers, etc.

Municipal Code – Mayor Kapp noted Council is working on that.

Internet website – Mayor Kapp noted that is always being updated.

Sign Ordinance – Tabled by the Planning Commission.

Bluemont – Ellen Wilson, representing Bluemont Concert Series, requested the Council consider Bluemont when doing the budget for the new fiscal Year. Mrs. Wilson noted that Bluemont brings programs to schools, nursing homes and festivals. In addition to concerts, Bluemont is very involved in schools. Peter Dunning stated Bluemont has been a part of Haymarket for 3 years. Mr. Dunning stated submitting an application does not obligate the Town. The deadline is April 1, 2003. Mayor Kapp stated they would schedule a budget work session.

Mayor Kapp tentatively scheduled a work session and continuation meeting for March 24, 2003 at 7:00 p.m and a work session for the Spring Festival at 7:00 p.m.

Clerk Training – Councilman Miller wanted to make sure the Clerk gets scheduled for certification training and an upcoming Clerk's Conference April 24 and 25.

### **Citizens Time**

Chuck Carnahan asked when Spring Festival is and Mayor Kapp responded May 17, 2003.

Linda Landwehr reminded Mayor Kapp to read letter to Supervisors. Mrs. Landwehr noted they have over 200 petitioners against Wal-mart.

Terri Karnes asked if the date for the Spring Festival had changed from May 10 to May 17. Mayor Kapp replied by saying yes, the crafters like to keep the same schedule so it doesn't conflict with any other festivals or events.

Nancy Bailey asked when the Town purchased the property if the buildings had been inspected. Mr. Lowery stated that yes he did inspect them. Mr. Lowery said there were reports given at the time. Mrs. Bailey believes that if the property was inspected at the time it was purchased

and the few years that the Town has had the property and we have to condemn two of our buildings, they must not have been in great condition when we bought them. Or the Town has not fulfilled their responsibility in keeping the buildings up to code. Mayor Kapp noted the date of purchase was May 16, 2000. Mayor Kapp noted Mrs. Bailey was on the Council at that time. Pam Stutz said the previous Council told them that the buildings were well worth the money. Nancy Bailey asked when the Christmas decorations would be taken down. Mayor Kapp has addressed this issue.

Dottie Leonard stated she remembers there were issues on the property, but the property was still very good purchase if not for the building for the land itself. Historical properties are not required to be brought up to codes. In her opinion, yes, that property needed a lot of renovations, they had County Officials come out that told them a good way to renovate the exterior would be to remove the stone and take it back to wood and restore it that way. In her opinion, it's never too late to restore. Mrs. Leonard believes it was worth it, it is worth it, and it will continue to be worth it to have made that purchase. Mrs. Leonard noted the rent is paying for the Town Hall to be there, making it rent free for the Town Hall in a sense. Mrs. Leonard stated that if the previous Town Council had let go of a little more money to do those renovations it might not have been in as bad as shape as it is now and we might not be fighting to keep it. It was a battle when funds were wanted to do renovations.

Mr. Lowery noted that all electrical wiring done in the Gray house was done illegally. He also notes that Mrs. Henderson sleeps with fiberglass over her head and has no protection and it continues to get worse. There are holes in the wall the size of a person. The grocery had burned and had been covered up.

Linda Childress asked if the building is unsafe how are the people able to live in it. Mr. Lowery stated he allowed 60 days because they need to have time to move.

Councilwoman Jarboe made a motion to go into closed session for discussion of the sale of Village Square property.

Roll Call

Mayor Kapp will call County to determine what their policies are on snow days.

Meeting ended at 11:05 p.m.

Continuation will be held on March 24, 2003 at 7:00 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

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Stephanie J. Glaze, Deputy Clerk

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John R. Kapp, Mayor