

TOWN OF HAYMARKET, VIRGINIA
Chartered 1799
County of Prince William

TOWN COUNCIL REGULAR MEETING MAY 6, 1996

MAYOR

John R. Kapp

ATTORNEY

Kristina Keech Spittler

COUNCIL

Steve Bean, Vice Mayor

Mary Lou Scarbrough

Nancy Bailey

Debbie Johnson

James Shepard

Mayor Kapp opened the meeting at 7:30 p.m. with the Pledge to the American Flag and prayer. Roll Call found everyone present.

Minutes

Councilman Shepard moved to make any corrections to the minutes of the previous meeting and the public hearing and dispense with the reading of the minutes, seconded by Councilwoman Bailey. Motion carried by unanimous vote.

Police Department

Councilwoman Bailey reports last month the department had 36 traffic violations, 20 were speeding, 8 reckless driving, 2 DWI. Eighteen reports filed with 52% clearance by our PD. Out of the 18, four adults were locked up and there are 10 juvenile petitions coming in the future. One van, one motor camper and one boat were removed with consent of the IRS. Sgt Bockey would like for the town to check into a curfew ordinance. He is getting copies of other jurisdictions ordinance. He would also like to see if the Council would grant permission for the '89 Ford to be stripped and get it ready for sale. The Council states we should have one ordered before the old one is stripped. The old car requires a new transmission, carburetor, windshield and spot light. Council consensus is that no more money should be put in the old car. The state bids come out in August.

Councilwoman Bailey read a letter of commendation for Sgt Bockey.

Mayor Kapp states he has had a couple of complaints about the place on the corner of Madison Ct. & Madison Street about the equipment parked there.

Spring Festival

Pam Stutz of Red Rooster Antiques spoke to Council in regard to Haymarket's first annual arts & crafts festival to be held May 18th 9 a.m. to 4 p.m. To date she and Sandy Pfalzgraff have \$1725 from businesses and associates; Cellar Door, Hazel/Peterson, Nationwide Insurance, Don Costello, 84 Lumber, Alan Gossom and waiting to hear from additional pledges. She requested volunteers to work the booths on Saturday and needs help in putting up and taking down signs. She also asked Council to earmark where the donations are going. She passed out signs to businesses to put at their locations. Mayor Kapp states there will be a food booth, two Coke booths, popcorn, moon bounce and balloons, that will raise funds for the town, that are already paid for by the sponsors. The Mayor has a list of volunteers but more are needed to man these booths. Press releases have been sent to the newspapers, some advertising in craft magazines

have been placed, a spot has been sent Cablevision and Channel 20. The Red Caboose will have its grand opening ribbon cutting ceremony at 10:00 on Saturday.

Mayor Kapp asked the Haymarket/Gainesville Recreation Alliance if they want to take the food booth, and all the profits would go toward the playground, with the concurrence of the Council, of course.

Pam states we need a bake sale. Dottie Leonard says she will coordinate a bake sale for the town. Alan Gossom will ask the ladies at Oak Rum if they would like to have a bake sale table.

Pam Stutz asked Mayor Kapp if there was anything they needed to do in order to divert truck traffic for the Spring Festival. Mayor states he wrote to VDOT with a request.

Treasurers' Report

Operating account balance of \$60,954.07 as of April 30th.

Unpaid Bills

Allocation for payment of 9 weeks of The Potomac News and allocation of over and above the \$20,000 for April. Motion by Councilwoman Johnson to approve unpaid bills and allocation over and above \$20,000 for April, seconded by Vice Mayor Bean. Motion carried by 5/0 roll call vote.

In discussion Councilwoman Bailey asked why Jim Roop's insurance is not shown. Councilwoman Bailey asked what the insurance and training refunds are for. Mayor Kapp made note to ask the Treasurer.

Business License

U. S. Home - new home sales - Greenhill Crossing - Councilwoman Bailey moved to approve business license for U. S. Home, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Ryan Homes - new home sales - Greenhill Crossing - Councilwoman Bailey moved to approve business license for Northern Virginia/Ryan Homes, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Able Properties, lease agent, 15101 Washington Street, Don Costello, applicant - Councilwoman Johnson moved to accept business license application, seconded by Councilwoman Bailey. Motion carried by unanimous vote.

Building Permit

U. S. Home - Glen Haven, Section 2, Lot 31 and the Arizona, Section 2, Lot 30 - Councilwoman Bailey moved to send to PC and ARB pre-approved, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

U. S. Home - Arizona and the Cypress plans - Bill Gerald states they improved the elevations to conform to the ARB's request when last submitted. Vice Mayor Bean moved to send pre-approved to Planning Commission, ARB and Gary Eddy, seconded by Councilwoman Bailey. Motion carried by unanimous vote.

Sign Permit

Able Properties, 15101 Washington Street, menu sign - Councilwoman Johnson moved to pre-approve the sign permit application for Able Properties with recommendation from the ARB and PC, seconded by Vice Mayor Bean. Motion carried by unanimous vote.

Building Permit

Wayne Marquess, Bleight Drive, addition to garage - Councilwoman Bailey moved to deny approval returning to Mr. Marquess for at least a sketch of plat for offsets from corner, back property line and side property line, seconded by Vice Mayor Bean. Motion carried by unanimous vote.

J2 Construction Company - US Home - deck on model home, Lot 1 Section 1, Greenhill Crossing - Vice Mayor Bean moved to approve pending Gary Eddy doing a footer inspection forward to PC, seconded by Councilwoman Johnson. Motion carried by unanimous vote.

Able Properties, demolition permit for shed on 15101 Washington Street - Councilwoman Bailey moved to approve the demolition permit requested by Able Properties for the one building pictured, seconded by Vice Mayor Bean. Motion carried by unanimous vote.

Bob Seffinga asked if the demolition permit must go before any other board? Mayor Kapp states there is a signed certificate of appropriateness included in the demolition application. Mr. Seffinga asked if any building, to be demolished, that was built before 1900 was to go before the ARB. The Mayor states the building was built in the 1920's.

Blankenship, garage with breezeway, 6731 Madison Street - Vice Mayor Bean moved to pre-approve and send on to PC and ARB, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Citizen's Time

Mr. Bear addressed the Councils, Boards & Commissions. He asked permission to grade each person on the committees. Planning Commission, Lyssa received a 9, Town Council got an 8, Historical Commission 10 for Mrs. Turner's outstanding work. The Police Dept received a seven, at the most because they are doing nothing on Madison Street, Vice Mayor Bean did an outstanding job holding the meeting in the Mayor's absence, he gets a nine, Mayor gets a 10 for outstanding work for the last two years.

Alan Gossom introduced Troy Dickerson, from Victory Harvest Church, which is outside the town limits, currently meeting in the Ted Reuters building. They would like to operate their day care, operating since last October, in one of Mr. Gossom's buildings. He would like approval to *proceed in that matter*. Mayor Kapp states it is in the former spot where Pam's Beauty Shop was on the back side of the grocery store building. Mr. Dickerson knows the Health and Fire departments will be involved but wanted to address council first to see if there is a problem. Troy states it is only for infants, toddlers and pre-school aged children. Mayor Kapp states it falls under the present zoning and there should be no problem.

Betty Jo Santangelo states as Council knows she lives next door to Winterham and states she has concerns about the proffers approved by Council. She has had several conversations with Mr. Costello that if the house does not work out in his plans, and, if there does come a day that he does offer the house to the town for \$1.00 she has instructed her attorney to put one of her three

acres in trust for the citizens of Haymarket. This trust is to be governed by a non-profit organization which is in the process of being formed as we speak. Ms. Santangelo hoped to have the paper work ready by this evening but it was not complete. She states this is her gift to the citizens of Haymarket and she challenges the Council and citizens to help make this happen realizing it will cost a lot more money than just the land. She has been getting estimates on moving the house and preparing the foundation. She wants the town to have a place to put the house should this become a reality.

Ms. Santangelo states she will also come before Council in June to rezone her property to B-2, a sign permit and an occupancy license. In supporting the growth of Haymarket she feels this is an investment in town. She wants to give hope for the preservation of the Payne house in the event Mr. Costello feels that the house can not be used in his plan of business. Mayor Kapp asked if Mr. Costello gave Ms. Santangelo any indication that this may come about. She states he has not. In the event the property is not used for the Payne house the property will revert back to Ms. Santangelo.

Haymarket Day

Bart Colandine, of the Ruritans, is asking for approval of Haymarket Day September 21, 1996. Councilwoman Bailey moved to approve September 21st as Haymarket Day, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Sandy asked if the town can do anything to slow the traffic down in town. Mayor Kapp states the town made a request to VDOT and the reply was no, but they did offer to put up larger speed limit signs which they installed today. Ms. Crafton-Masterson asked if there aren't other towns that have 25 mph speed limits and can the citizens petition VDOT to change the speed limit. Mayor Kapp states he would be glad to have the citizens do that. Mrs. Turner states some towns have signs that prohibit truck traffic. Mayor Kapp states the reason the trucks come through town is because of the U turn they have to make to get off 66 in Gainesville to go down Wellington Road.

Lyssa Whitfield asked Council to appoint an advisory group to communicate with VDOT and asked the Council to appoint a liaison. Mayor Kapp stated that would be fine, a liaison will be appointed at the June meeting after the elections. Lyssa asked if any citizens that have an interest please make it known to her.

Old Business

Water - will be hooked up in the townhouses the end of May as H/P gets hooked up at Greenhill. Mayor Kapp states he has had two meetings and one scheduled for May 7th with the landowners and developers along 55 to bring water up from Bleight Drive through town.

Fastoll briefing - Mayor Kapp attended the meeting introducing the system. You can get an electronic device on your vehicle that allows you to go right through the Dulles toll.

Prince William Municipal League meeting - Haymarket hosted the April meeting. Mayor Kapp states he found out Dumfries real estate tax is \$.11 and they are doubling to \$.22 and adding three cents for storm water management, which will be a total of \$.25 for real estate tax. Mayor Kapp states Haymarket has not raised taxes for a very long time.

VDOT/Southern Railroad meeting - in the meeting for realigning the train track, there was only one proposal that would take the train out of Haymarket which comes essentially up the Prince

William/Fauquier County line and up through Thoroughfare. All the rest of the alternatives would keep the line through town. This was the initial briefing. Mark Branca asked what the reason for realigning the track. Mayor Kapp cited traffic congestion, VDOT is doing a study to revamp the I-66 and 29 intersection. They want to move the rail line further west and have a railroad bridge so as not to stop traffic. Dottie Leonard states they said there was originally 3 trains a day and now it is up to 20 trains a day and the long range plan is for 40 per day.

Comprehensive Plan - copies of the newly adopted plan are available for the Council and Planning Commission. Please sign out a copy and if you leave office these must be turned back in for new members.

Wolfe Industrial Auction trailer - trailer has been removed.

Joe Femia, Utica Contracting - old Orndoff property east of Sheetz, 9 ½ acres for grocery store, anchor pad (possible a restaurant) and shopping center. Mr. Femia will be bringing a site plan, building plan, etc to the June meeting.

Forms and applications - forms are complete including the sign permit/certificate of appropriateness which has been combined. The outstanding form was an affidavit for rezoning application. There is some question as to the certificate of appropriateness which can be addressed at a later date. Gary Eddy was to make any suggestions for forms he uses. Councilwoman Johnson moved to approve the applications in the packet as presented by Bob Seffinga, seconded by Vice Mayor Bean. Motion carried by unanimous vote.

Noise ordinance - Councilwoman Scarbrough states the Planning Commission is working on the noise ordinance. Tabled.

BPOL tax repeal the \$5,000 ceiling - Vice Mayor Bean moved to abolish the cap on the BPOL tax, seconded by Councilwoman Bailey. Motion carried by unanimous vote.

BOCA/CABO books - Mayor Kapp asked Lyssa Whitfield if she has gotten them yet. She states no.

Employee handbook - Attorney Spitler states she received two pages which appear to be more like a job description than a handbook. She has brought to Council some samples to be perused for consideration. She states Virginia is an "at will" state which means either party can change the relationship or end the relationship without notice or cause, for letting someone go. We want to be sure our language does not appear as a contract. The language suggested has been provided in draft form. Tabled to next meeting.

Historic Overlay designation - has been turned over to the ARB. Tabled till after their meeting.

Comprehensive Plan amendment application - Planning Commission will be working on that at May 7 meeting.

Kruse Corner - grate - Vice Mayor Bean states he spoke with VDOT and asked them to look into the grate at Kruse Corner, the hump in the road at Dr. Weaver's office, and would like to have the storm sewers cleaned out. We want to get on schedule as we are always overlooked.

Street scape - Chris Foley presented a proposal to Council for the design of the street scape with

several options for benches, trash receptacles, brick pavings, patterns of brick, planter types, tree grades, tree types, shrubs, combination of concrete/border. Councilwoman Scarbrough states she would like to see more detail on the proposal as to what the town will receive and a fee schedule. Councilwoman Bailey would like to table this until we hear back about the ISTEA grant. Tabled.

Lien on properties for delinquent real estate tax - Attorney Spitler states she spoke with Turner Smith in regard to the towns understanding that he was working on liens. His exact words were that "the Council may have instructed him, but his memory is not as good as it used to be, but he does not recall that." Attorney Spitler spoke with Bernadette Piel who is the County Attorney who handles the county and would know if there were any liens on town property and she left Ms. Spitler a voice mail stating she does not have any record of receiving any list of delinquent tax from Haymarket. Vice Mayor Bean states we did have (a lien) because the town signed a repeal so we could get with the county because the county did not approach it right. Attorney Spitler asked if he was referring to the Barbara Lane property, which file she has with her. Vice Mayor Bean states yes. Atty. Spitler states the file indicates the county brought a suit it was non-suited based on some technicality in July, 1995. Vice Mayor Bean states it was supposed to be re-filed. Atty. Spitler states she did not ask specifically if it had been re-filed. She will check but states she has not heard of it and the town would be served notice as to the judgement on the property. The last time any action was taken was 1985. Mayor Kapp states he will have the Town Clerk fax to her all the delinquent taxes in town. Atty. Spitler states she also brought a copy of the statute of 58.1-3938 which states "any town where a treasurer for a town tax does not maintain an office open during normal office hours Monday through Friday a list of delinquent town taxes upon real estate for the preceding tax year as of December 31st shall be filed by the Treasurer or other collector in the office of the treasurer of the county." The county has no record of that and it is something the town needs to do. Also the town code says 2-28(b) that "the treasurer shall make a list of such as cannot be collected and return to council. If Council approves the list the list shall be posted on the front door of Town Hall or published in a newspaper for at least three weeks. Within one month of Council approving the list the treasurer shall submit delinquent real estate taxes to the Auditor of Public Accounts at Richmond." Atty Spitler states there are a number of things the town treasurer should do on a yearly basis. Martin Crim updated the memos he has prepared in the past for Haymarket in regard to collecting taxes. There are seven measures to collect, the town will have to choose the best method. Atty. Spitler states from their experience, dealing with Manassas and Dumfries, publishing delinquent tax payers in the newspaper has worked most effectively for them. That is something provided in state code and town code ordinance.

Vice Mayor Bean moved to put our delinquent taxes in the newspaper and on the Town Hall bulletin board, seconded by Councilwoman Bailey. Motion carried by unanimous vote.

Atty Spitler suggests sending a letter to delinquents two weeks prior to posting delinquent taxes to give them an opportunity to avoid embarrassment. Vice Mayor Bean moved to send letters to delinquent tax payers stating they will be listed in the newspaper in two weeks, seconded by Councilwoman Bailey. Motion carried by unanimous vote.

BPOL tax confirmation of what is being reported - Atty Spitler states the town code allows us to summon the businesses to answer questions under oath. You can set aside one day when you summon all people you have questions for. It could be here in the Town Hall. She suggests the town pay a court reporter to transcribe everything they say, if they mislead you it is a criminal offense. Statute 58.1-3939.1.

Jeannie's Request - Councilwoman Johnson states the Town Clerk wrote request to the Council for her increase in salary to go to a 401 K plan. She has requested information from First Virginia Bank.

Computer Printer - Councilwoman Scarbrough asked if we have money left over from the computer upgrade. It was stated we have \$700 left over and that money could go toward the purchase of a new printer. Councilwoman Johnson moved to purchase a new computer printer, seconded by Vice Mayor Bean. Motion carried by 5/0 vote.

Copier legal size paper tray - Councilwoman Johnson moved to approve the purchase of a legal size paper tray at \$60, seconded by Vice Mayor Bean. Motion carried by 5/0 roll call vote.

Collator - tabled.

Clean up Town Hall and bookshelves. Tabled.

Mayor Kapp will move the Womans' Club file cabinets.

Chamber door - requested glass in chamber door panels so people can see there is someone here when the door is closed. This is especially in the winter time when the door is always closed against the draft from the front door. Council will get prices for a new door with glass panels. Mayor Kapp will get price for a 3'0" x 6'11" with windows, pre-hung. Mayor Kapp will ask about the building official about weather-stripping the outside door.

Dispose of stuff upstairs - James owns the wire and will remove, the old ceiling lights can be put out for Beans Trash, blinds-Mayor Kapp will install. Windows washed and carpet cleaned was not addressed.

Work space - The Council does not know where we would get any additional work space.

Request by Town Clerk for attendance at workshops - Councilwoman Johnson moved to allow the Town Clerk to go to "building a defense against disaster" strategies for protecting records, seconded by Councilwoman Scarbrough. Motion carried by unanimous vote.

Street light for King property - officers stated we do need one there, plus halfway down on Jordan Lane on the other side (Walter Robinson Lane) Vice Mayor Bean states that Walter Robinson Lane is a private road, we do not put lights on private property. Town Clerk to send in request to Virginia Power to hook up light on Charles King property.

Personal Property Tax Exemption - Atty Spitler passed out a copy of the state code 58.1-3500 which states that "Tangible personal property shall consist of all personal property not otherwise classified by 48.1-1100 as intangible personal property or by 48.1-3510 as merchants capital." Atty Spitler states the important word in that phrase is shall. It goes on to say under 3503 what the classifications of tangible personal property are, and then on page 435 - 558.1-3504 talks about what the governing body may exempt from personal property. That is essentially your household goods. "The governing body... may exempt in whole or in part from taxation all or any of the above classes of household goods and personal effects." If you are going to tax personal property this is what you shall tax, it gives you authority to exempt certain things out, and you can, but, it doesn't appear that you can only tax vehicles and nothing else. Atty Spitler states there are two issues, one, which allows you to tax this way, which means you could tax all

the personal property except those things which you already enacted out. The second is a logistic issue which is how to go about collecting those taxes. That is where the difficulty is, not that you can't do it, but the county, if you are relying on the county, which our town code does (it gives in 2-26 says the tax rate is .14 for real estate and .60 for personal property as determined by records maintained by the County Director of Finance.) We rely on what the County collects, using those records, to determine what we tax. Right now it doesn't appear the County exempts what we want to exempt so we will have difficulty. Either we have to change what the ordinance states to collect for property tax and come up with a way to do it ourselves, or, follow what the County does. There is also a state provision that allows us to, so long as both the town and county agree, send out one bill with the county for real estate and one bill for personal property so we are getting the funds from the county, we will not be doing all those things ourselves. That would have to be something we work out with the County.

Mayor Kapp states that the Town Clerks main question was whether we can exempt business equipment as the town wants only to assess vehicles, whether business or personal. As Atty Spitler understands it seems the County does not exempt that equipment and therefore we are not currently able to do that. Mayor Kapp asks that if we continue what we are doing are we all right? Atty Spitler states what we want to do in exempting property except vehicles from taxation is in conflict with our ordinance. The Ordinance states we are to rely on the County assessments for taxation which includes business furnishings and business vehicles and personal vehicles. Vice Mayor Bean states the County said they would bill the personal property tax for us at no charge and the Town Clerk is looking into it.

Motor Vehicle Dealer zoning letter - Alan Gossom brought up the April 1 Town Council vote to eliminate the word "display" from the zoning letter that accompanies vehicle dealer applications. The new DMV inspector, John Smith, has been questioning some of the dealers why they were not parking their vehicles at their Haymarket dealerships. He thought they should be. The dealer told Mr. Smith that it was not permissible here. Alan states Mr. Smith was wrong, the law states that they can sell at auction, through another dealer, or through the newspaper as long as they put the notation they are a dealer and list their dealer number. They can make a deal on a street corner but the law says they have to consummate the paper work in the office, that is to alert the public that you are a dealer. Hugh Orndoff got this started years ago, that is where Alan first heard the "for sale and display" verbiage. There is some confusion from letters Alan has seen, one from the Mayor and one from the Town Clerk. Three or four years ago Alan came before the Council for a special use permit for salvage dealers. That is when Alan put the fencing up behind the firehouse. It was approved with some restrictions, that was quoted in the letter from the Mayor to the DMV board, that being a limit of 24 hour period where they could park cars overnight for inspection. That did not apply to the regular dealers. The salvage dealers caused Alan trouble because the DMV used Haymarket as a focal point to bring dealers in for inspections. Over a period of time Alan got rid of the salvage dealers.

Alan asks the Council to let him use the same verbiage just so these people can stay in business. The whole point is just that this slight change has altered the entire business he would like to keep these people in business and continue renting to them. There are four places in town that the only reason they are maintained like they are is because they have some income. Needless to say there are not that many small businesses coming to Haymarket. Alan has rented to over 300 dealers in the last ten years. He questions prospective dealers as to what they want to do with their license. If they mainly want to do auctions they will have no interest in parking cars in town.

Mayor Kapp states Council could entertain a motion to put the verbiage back in the zoning letter. Alan asked that the Council write the Commissioner of the Motor Vehicle Dealer Board a letter stating that we want to change back to the original agreement with the same terminology. Atty Spitler asked if this is changing a form or changing an ordinance. Mayor Kapp states it is just changing a form. Councilwoman Bailey moved to change the verbiage on the form to read "sale and display", seconded by Vice Mayor Bean. Motion carried by unanimous vote.

Greenhill Crossing roadway VDOT - H/P - Billy Beavers states VDOT will only take in a quarter of mile roadway per year unless we ask them for that. By resolution we can ask VDOT to waive that. H/P would like to have the resolution as they will have about 3600' which is a little over a half mile. Councilwoman Bailey moved that Council send a resolution to VDOT requesting they accept more than one quarter mile of new roads in town, seconded by Vice Mayor Bean. Motion carried by unanimous vote.

New Business

Capital Improvement Plan - Mayor Kapp states the plan expires this year. Does Council want to wait for the new Council to take that on. Consensus was for the new Council to do that.

Planning Commission

Councilwoman Scarbrough reports they went over the noise ordinance, etc.

Historical Commission

Mrs. Turner has a picture of former Mayor Gertrude Bean. Mrs. Turner has not been able to find the right frame for it. She is having the brass name plates prepared for the pictured mayors on the wall in the Chamber room.

Lafayette Day - Mayor Kapp has arranged with Guy Gravette for the kites to use the field. Mrs. Turner states she checked with the kites and they do have insurance. She asks for everyone to encourage participation. Mrs. Turner has written to Senator Warner to request a symphonic band. She would like for Warrenton and Buckland to be involved, with a possible event at Airlie, with a banquet and a ball for the Bicentennial Year Lafayette Day celebration. Mrs. Turner has invited the historic commission from Yorktown and Mayor Lineweaver of Warrenton to come to talk with them to coordinate the bicentennial.

Councilwoman Johnson asked Mrs. Turner about the fine art the town has been paying to insure. Mrs. Turner states these paintings are not here, those were paintings of Mary Carters that were in the caboose for a show and/or sale. Due to lack of protection from the elements they were removed. Mrs. Turner states the portrait of Mr. Skinker upstairs is the only art work covered.

ARB

Councilwoman Bailey states there was no meeting in April. She would like to bring up that Mr. Costello has expressed interest to her that he would like to have the Council appoint him as a consultant to the ARB. He has informed her that he has done restoration at the Capitol, White House, and he is very knowledgeable about trim work. Councilwoman Bailey states Mr. Costello would attend the meetings. It was brought up that the ARB will need new people but that it is up to the Council to appoint them. Tabled.

VML historic preservation meeting scheduled. May 17th meeting with the Dept. Of Historic Resources including certification and establishment of ARB's. This certification is a voluntary program with the Dept and National Park Service. All day meeting in Fairfax County.

Citizen's Time

No one spoke.

Councilwoman Bailey states we have allocated in the budget money for training the majority would be spent for certification of planning commissioners. She suggests when Council approves allocation if people do not complete the program they should reimburse the town for it. Mayor Kapp states that could be a part of a contract in the future.

Vice Mayor Bean asked about the day care businesses coming in for churches, since that is church run are we exempting these businesses from gross receipts tax? Does the County exempt them? Mayor Kapp will ask the Town Clerk.

Correspondence

Zoning Officials Certification program in Blacksburg June 6 & 7th.

Financing options for a baseball stadium if anyone wants to read.

US Attys office for eastern district of Virginia five day training on community policing, free of charge, except cost of transportation, meals, lodging, etc. Alexandria location June 10-14. Community oriented policing facilitator training for problem solving and project planning is one of the programs.

Mayor Kapp states the county is helping our budget for a change the tipping fees for trash are down to \$45 per ton but they will increase the citizens fees from \$2.00 for the first 250 up to \$5.00 for the first 200.

Alcoholic Safety Action Program - we have appointed Dorothy Vanzana to represent us. The report is here for anyone to read.

Local program for E&S, we need an E&S administrator. Mayor spoke with Doug Carter of Soil & Water Conservation Office. We thought BDE could do this for us. They are allowed to do inspections but not to be our administrator. Vice Mayor Bean moved to appoint Mark Branca for our E&S administrator, seconded by Councilwoman Johnson. Motion carried by unanimous vote.

Bay Act info available.

Councilwoman Bailey would like a letter from the Council to do a traffic check. The dates given are May 10, Friday or Tuesday, May 21 in the morning. Vice Mayor Bean moved to have a road check on May 21 between 5 and 9 a.m, seconded by Councilwoman Johnson. Motion carried by unanimous vote.

Mud & Dust Ordinance - The Planning Commission recommends we adopt the entire chapter 3 of the Erosion & Sediment Control which is what Warrenton and some other localities do. Mayor Kapp asked Councilwoman Scarbrough to have it written up. We can schedule a public hearing on June 3.

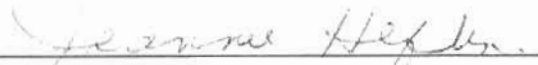
With no further business meeting adjourned.

Councilwoman Bailey moved to go into Executive Session, 2.1-344.1 Code of Virginia to

discuss personnel matters, seconded by Councilwoman Johnson.

RESPECTFULLY SUBMITTED:

APPROVED:



Jeannie Heflin, Town Clerk



John R. Kapp, Mayor

tc596

These minutes were transcribed from an audio tape there are no written notes.

Adopted

Enacted

AN ORDINANCE
TO AMEND CH. 7, ARTICLE III,
SECTION 7-52 OF THE CODE OF THE,
TOWN OF HAYMARKET, VIRGINIA

BE IT ORDAINED by the Council of the Town of Haymarket, Virginia, meeting in Regular session this 6th day of May, 1996 that:

1. Section 7-52 of the Code of Ordinances, Town of Haymarket, Virginia (1989), as amended, is hereby amended and reenacted as follows:

Section 7-52. PAYMENT OF THE TAX - SPECIAL PROVISIONS

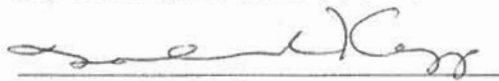
(a) Any business whose license fee shall exceed five hundred dollars (\$500.00) for the tax year 1991 shall have the option of paying the full license fee when due April 30 or may pay the license fee quarterly with payments being due by April 30, July 31, October 31 and January 31. There will be a three dollar (\$3.00) processing fee per quarter if this option is elected.

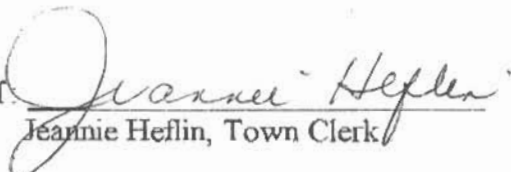
(b) Any business whose license fee for years subsequent to 1991, shall pay same by April 30 of the license year.

~~(c) No license tax imposed hereunder on any class of business shall be greater than \$5,000.00.~~

2. This Ordinance is in effect from the date of its passage.

BY ORDER OF THE COUNCIL


John R. Kapp, Mayor

ATTEST 
Jeannie Heflin, Town Clerk

§ 7-61

HAYMARKET CODE

- (3) Professional and financial services: Ten cents (\$0.10) per one hundred dollars (\$100.00) gross receipts.
- (4) Personal services: Ten cents (\$0.10) per one hundred dollars (\$100.00) gross receipts.
- (5) Wholesale merchant: Five cents (\$0.05) per one hundred dollars (\$100.00) gross purchases.

(Ord. of 1-1-91)

Sec. 7-62. Minimum tax.

In all cases in which a licensee's gross receipts for the preceding year generate a license tax of less than thirty dollars (\$30.00), a minimum license tax of thirty dollars (\$30.00) shall be assessed.

(Ord. of 1-1-91)

Sec. 7-63. Payment of tax; special provisions.

(a) Any business whose license fee shall exceed five hundred dollars (\$500.00) for the tax year 1991 shall have the option of paying the full license fee when due April 30 or may pay the license fee quarterly with payments being due by April 30, July 31, October 31 and January 31. There will be a three-dollar processing fee per quarter if this option is elected.

(b) Any business whose license fee is for years subsequent to 1991 shall pay same by April 30 of the license year.

(c) No license tax imposed hereunder on any class of business shall be greater than five thousand dollars (\$5,000.00).

(Ord. of 1-1-91)

Sec. 7-64. Assessment and payment of license taxes found to be due.

If the town treasurer ascertains that any person has failed or refused to obtain a license as required by this article or that any person has not been assessed for a license tax or that the assessment should be in an increased amount for the current license year or for any of the three (3) license years last past, then the town treasurer shall assess such person with the proper license tax, for the year or years omitted or partially assessed, and shall furnish written notice thereof to the taxpayer. If the assessment of the license tax is not paid to the town treasurer within fifteen (15) days after written notice is sent to the taxpayer or posted at the place of business, then a penalty of ten (10) percent of such tax due, plus interest at the rate of ten (10) percent per annum, shall begin to accrue from the first day of the month following the month in which payment is due until payment is made. Such interest shall be collected in the same manner as the tax may be collected.

(Ord. of 1-1-91)