

TOWN OF HAYMARKET, VIRGINIA
Chartered 1799
County of Prince William

PUBLIC HEARING
TOWN COUNCIL - JUNE 5, 1995

Subject: Fiscal Year '96 Budget

MAYOR
John R. Kapp

MEMBERS
Steve Bean, Vice Mayor
Nancy Bailey
Terri Freeborn
Ron Hancock
Debbie Johnson
James Shepard

Mayor Kapp opened the Public Hearing at 7:11 pm.

Mayor Kapp asked for all who would like to speak in favor of the FY '96 Budget please come forward.

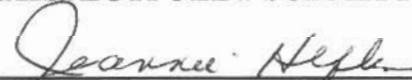
After three askings Mayor Kapp asked for all who would like to speak opposed to adoption of the Budget.

Discussion from Ron Hancock. He asked if the contracts are in for FY '96 from Town vendors. Town Clerk stated the trash fees have not been established yet but other vendors have responded. Hancock stated he would like to see the Police Department salaries be raised more (higher than the 7% in the budget). Hancock also stated he does not like Council members getting raises. He does not think the money is the concern of the members.

There was no further discussion.

Public Hearing closed at 7:15 pm.

RESPECTFULLY SUBMITTED:



Jeannie Heflin, Town Clerk

APPROVED:



John R. Kapp, Mayor

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TOWN COUNCIL REGULAR MEETING - JUNE 5, 1995

MAYOR
John R. Kapp

MEMBERS
Steve Bean, Vice Mayor
Nancy Bailey
Terri Freeborn
Ron Hancock
Debbie Johnson
James Shepard
Turner T. Smith, Attorney

Mayor Kapp called the June 5, 1995 regular meeting of the Haymarket Town Council to order at 7:30 pm. Mayor Kapp led the Pledge to the American Flag. Dr. O'Driscoll of St. Paul's Episcopal Church led the Council in prayer.

Minutes

Motion from Councilman Hancock to dispense with the reading of the minutes of the May 1, 1995 meeting, seconded by Councilman Shepard. Corrections will be made by Councilwoman Bailey. The corrections were minor and would not change the minutes greatly. With no further discussion the motion carried by unanimous vote.

Police Department

Sgt Tatum reports he spoke with Manassas City Police in reference to auxiliary Police. Sgt Spencer is putting together a packet and will get it to Tatum.

Traffic detail plus two county officers netted ten warnings on town tags.

Sgt Tatum asked for Council's help with problems at the Post Office. There have been reports of vandalism occurring. He asks everyone keep an eye open and report any suspicious activity.

Sgt Tatum reports our Postmistress, Ellen Wilson, has been temporarily stationed in Warrenton.

Nissan Pavilion

Sgt Tatum reports the concert at Nissan Pavilion attracted 3200 - 4000 people that did not adversely affect the Town traffic wise from what he can surmise. He did hear some complaints about noise from the other way, not in Town. This weekend (June 10) will probably tell the story with the Hank Williams, Jr. concert.

Fire Dept Trucks - Sgt Tatum spoke with Chief Bird in reference to the speed with which the emergency vehicles travel through town. Chief Bird stated he would pass the message to slow down to the rescue team. Tatum was asked by Mayor Kapp if he checked their speed with radar. Tatum states he has not done that.

Curfew - Dr. Weaver's Office and Post Office are the hang out for youngsters. If Police Dept sees kids out late at night they approach the kids and tell them there is a County curfew. Councilwoman Freeborn asked Attorney Smith if County Code applies to us. Smith replies "yes". Vice Mayor Bean states he sees more trouble during the day, after school, with kids playing ball

and congregating in the street. Sgt Tatum states Postmistress Wilson mentioned if we could get some interest for getting a vacant lot and an adult to get a program together for the youth.

Dr. Weaver spoke about the children in town. He works with children one-on-one in Washington, D. C. There are churches in the community who donate time and involvement from people in their town. He states not just ball games, but structured programs. Dr. Weaver would be glad to take Town Council members to visit his program to get a feel for what they do. His program is located at Thomas Circle. He would be willing to get involved in Haymarket in a very small way, due to his time pressures.

Vice Mayor Bean states the worst thing is there is no where the kids can gather. Dr. Weaver states there are several churches, for space, if they'll agree. Mayor Kapp asked Dr. Weaver if he would speak at the Gainesville/Haymarket Business & Professional Association meeting on Wed., June 28th at 7:30 pm at Evergreen Fire Dept.

Councilwoman Freeborn asked Alan Gossom about the old fire department building being available for teen/youth events and events for elderly. Gossom states the only space empty is the front of the building.

Sgt Tatum was asked about the street light (for Charles King) on Jordan Lane. Tatum will check and get back to Council.

Treasurers Report

Report was summarized.

Unpaid Bills

Motion by Councilman Hancock to approve, seconded by Councilman Shepard. Roll Call vote by show of hands, motion carried by unanimous vote.

Business License

R & D Pressure Washing - Vice Mayor Bean moved to approve pending proof of income for 1994. Seconded by Freeborn. With no further discussion motion carried by unanimous vote.

B & W Phone - Tony Gossom, applicant. Councilwoman Freeborn moved to approve, seconded by Councilman Shepard. With no further discussion motion carried by unanimous vote.

Branair - Air conditioning & Heating. Councilwoman Johnson voiced concern about townhouse businesses are not allowed to park large vehicles in townhouse parking area. Shepard moved to approve, seconded by Vice Mayor Bean. Discussion: Councilman Hancock states the townhouse ordinance should cover commercial vehicle use. With no further discussion motion carried by unanimous vote.

Horton Truck & Equip. - Kelly Horton, applicant, 6707 Jefferson Street #5, vehicle dealer sells roll back trailer/franchise. Motion by Councilwoman Freeborn to approve, seconded by Vice Mayor Bean. With no further discussion motion carried by unanimous vote.

Expressive Autos - Ata-Ul-Aziz-Hamed, applicant. Vehicle Dealer located at 6707 Fayette St. #4. Motion by Councilwoman Bailey to approve, seconded by Councilman Shepard. With no further discussion motion carried by unanimous vote.

Northeast Auto Wholesalers - Moshen Mogadam, applicant. Vehicle dealer located at 6707

Fayette St. #7. Motion by Councilwoman Johnson to approve, seconded by Councilwoman Freeborn. With no further discussion motion carried by unanimous vote.

Sign Permit

Horton's, Expressive Auto & Northeast Auto Wholesalers - 6" x 60" standard sign. Gossom states he is looking into getting Old English lettering for his signs. Councilwoman Freeborn states ARB has a style in mind for his businesses. Councilwoman Freeborn states Council will let him know about it at the ARB meeting. Motion by Freeborn to send all Gossom tenants signs on to ARB, seconded by Shepard. With no further discussion motion carried by unanimous vote.

Greenhill Crossing, Section 9 - ARB recommended approval of sign style it does not need to go back to ARB. Sign does need to go to Planning Commission. Councilwoman Bailey states PC has question about size of sign. She understands frame has to be measured in to compute overall size, in which case, the sign is 48 sq ft total.

Bob Seffinga (ARB Liaison to PC), states general impression from PC is they felt the face of the sign itself constitutes the size of sign. There is no verbiage in ordinance of what constitutes sign size. PC was trying to give H/P latitude on the sign. Councilman Hancock understands every sign we've ever done includes the post, frame, etc, the whole sign. Ms. Stutz, representative for H/P, asked if she could go to 24 sq ft with 6" letters, like in a banner, or any combination to make 24 sq ft including wood work (the front). Ms. Stutz was given the impression from the PC meeting of May 2 that this sign (reduced to 24 sq ft) was in conformance. She wants to understand what the Town wants in order to take back to their sign producer. Council states this sign does not conform. Ms. Stutz withdrew application, they will re-do. Councilwoman Bailey wants to know if H/P is allowed to keep the sign up another month, while they re-apply. Council asked that the sign be taken down.

P. Jay's Cards - sign (been up over one year, never was permitted). Council states has to be sent to PC & ARB. Alan Gossom states this sign is an exact duplicate of what was there and he did not realize a permit must be obtained for it. Councilwoman Freeborn moved to preapprove the sign pending approval from PC & ARB, seconded by Councilwoman Johnson. With no further discussion motion carried by unanimous vote.

Balloon 'n Gift Expressions - deck (which has been erected prior to permit). Councilwoman Freeborn moved to turn over to Planning Commission and Building Official & ARB for recommendation to be referred, not preapproved, seconded by Councilwoman Johnson. With no further discussion motion carried by unanimous vote.

OLD BUSINESS

Liability Insurance - Steve Cooper of Hutton & Payne Insurance spoke with Council in response to their request for insurance coverage in reference to the Farmers Market, general Town coverage and personal liability for members, which is public officials policy for liability. Basically Mr. Cooper fills out a four or five page questionnaire that he sends to his companies that carry that type of coverage (wrongful act, sexual harassment, wrongful dispense, planners errors & omissions, etc.). Mr. Cooper gave Attorney Smith a copy of coverage outline and asked for his guidance. Councilwoman Johnson states we've picked out four the Council would like to mix and match. Attorney Smith states VARISK2 which covers every one of the things Mr. Cooper's information covers, which the Town has had for several years and pays \$334 annually should suffice. VARISK2, not connected with Municipal League, states Smith, funded by the pool of municipalities, funded by the participants. Smith states as long as the Commonwealth of Virginia is solvent the "pool" is solvent. Mr. Cooper states he has not worked with the pool or fund, he

does not suggest the pool. He would be glad to pursue any aspect the Council may request of him. Mayor Kapp asked where to find information on VARISK2. Smith states the problems of insurance becoming so expensive caused to be pulled together.

Business Permit

Lansdowne Auto Repair - request for name change only to L & M Haymarket Auto.

Councilwoman Freeborn moved to approve, seconded by Councilman Hancock. With no further discussion motion carried by unanimous vote.

Madison Corner Shoppe - Gary Eddy, Building Official, spoke to Council in reference to letter received by Council. Eddy states he gave Ms. Evans her options allowed by Code. Eddy submitted a letter to Ms. Evans which is to be forwarded by Town Clerk.

Greenhill Farms - Mayor Kapp states the letter we received from Billy Beavers, VDOT, stating they will inspect all VDOT right of way - Beavers meant the existing right of way (Rt. 55) not those being developed. Mayor Kapp states he had a meeting here and BD&E is going to do VDOT inspections.

Farmers Market - Jane Miller reported to Council for the Historical Commission - they will have a table at the Farmers Market from 11-3 every Saturday.

The Market will begin on June 17 at 9 am in the Town Hall parking lot, reports Town Clerk.

Comprehensive Plan - Councilwoman Bailey states Ms. Weller addressed the Planning Commission members and they agreed she seemed to have good credentials. Mayor Kapp states she was highly recommended. Vice Mayor Bean moved to accept the \$3750 bid for Comp Plan update, seconded by Councilwoman Freeborn. With no further discussion motion carried by unanimous vote. Town Clerk to contact Ms. Weller to tell her bid was accepted and invite her to the Planning Commission meeting on June 6.

Sidewalks - Mayor Kapp states he spoke with Sloper of PWCSA who states any sidewalk they tear up, when they install water, they put back. Mayor Kapp is to get back to Council with price for Jordan Lane area. Council thinks we should do all the streets or none.

Water

Council consensus is they do not want to take on debt when there is not overwhelming interest from townspeople. Mayor Kapp will pursue asking Governor Allen's staff to continue looking into grants. Issue tabled for time being. Councilman Hancock states we need to pursue Sloper to put in money to their budget for water for town.

Gainesville Elementary School - The tower is going in at Long Park, not on the ball park, but across the creek in the woods. The School will be used for a special education school this fall.

Youth Program - Councilwoman Johnson asked if we could give our supervisors a call to request they provide something for our children. Mayor Kapp suggests individuals contact the Park Authority. Mayor Kapp will speak with Park Authority, and School Board representative as well as the local ministers to go to the Bus & Prof Association meeting Wed., June 28 and learn about the youth program that Dr. Weaver is involved with. Councilman Hancock states parents need to be held accountable. Mayor Kapp asked how about Sgt Tatum identifying kids and Council send them the parents a letter. Councilwoman Freeborn would like to have an option to the streets. No decision on identifying youth for letter.

Gainesville Elementary School - there was a state law passed that goes into effect July 1, 1995 that gives the School Board control of what they can do with surplus property.

Bathroom/Sidewalk bids - Town Council was supposed to look at the proposals handed out at May meeting and come up with RFP's for a bid proposal. The \$4300 proposal received basically tears out and starts again in the bathroom including handicap access (CL Johnson bid). The lower Johnson bid and the Lawson bid are basically a facelift. Councilwoman Johnson questioned if we have to have handicap accessibility. Council concedes the Building Official has to give them judgement on that.

Councilman Hancock states Council must keep in mind the sidewalks will have to be handicap accessible for future planning. Kapp asked if anyone wanted to draw up an RFP? Council agreed to ask Gary Eddy to draw up RFP for us for bathroom and sidewalk.

Newsletter - Town Clerk asked if she could make up a business directory from business licenses and do a blurb on businesses. The Council gave an affirmative response. Councilwoman Bailey states she is to get Planning Commission article done and Councilwoman Freeborn is to do the ARB article. Vice Mayor Bean asked if we want to schedule a clean up date for summer. Council chose July 29 & 30. Bean's Trash will pick up on Sunday, July 30. Vice Mayor Bean to ask Everett what he won't take so it can be listed in the newsletter.

Rohrbaugh rezoning - second reading of R-1 to B1 ordinance adopted 2/6/95. Councilwoman Bailey moved to approve, seconded by Vice Mayor Bean. With no further discussion motion carried by unanimous vote.

Wolfe Industrial Auctions - Attorney Smith to check next move to get rid of the trailer and will contact Town Clerk with same. Town Clerk was instructed to call Battlefield Service pending approval of Smith.

Correspondence - letter from Kirway Construction (lot across from the Post Office) in reference to extension of site plan. Kirway states the lot is for sale. Code states the site plan must be renewed after one year. Extension denied.

BD&E sign - Town Clerk asked about the BD&E sign on lot next to the Wolfe Industrial Auction trailer. Does it have a permit? Mayor Kapp instructed her to contact John Elkins at BD& E and ask him why the sign is there.

Past Due Real Estate Taxes - Attorney Smith states the County misfiled on the case pending for overdue real estate taxes. He requested the Town Council give the authority to non-suit and refile. Smith states collecting business license gross receipts is not economically feasible. No injunction is possible per the Supreme Court. He suggested Council look at Ordinance for violation of operating without a license. Vice Mayor Bean asked if the business in question has complied with the Fire Department violations.

Vice Mayor Bean moved to allow Smith & Davenport to non-suit, seconded by Councilwoman Freeborn. With no further discussion motion carried by unanimous vote.

Old Payne Property - Ms. Masterson drew up a purchase contract for \$410,000 for Dr. Payne's old property. Vice Mayor Bean states he would like to look at the property in view of the Town possibly purchasing it. Council agreed to request Gary Eddy to meet them at the property on June 22 at 6 pm to view the property. Council members were given a copy of the contract to

peruse. Mayor Kapp states, in January, Colgan is to put in for funds at the legislative session.

Western By-pass - Meeting scheduled for June 20, 4-8 pm at Stonewall Jackson.

Fines/Penalties - Councilwoman Bailey has a copy of County schedule which does not cover what we want. Councilwoman Freeborn requests a work session to go over fees/number of days after Payne house trip on July 22, at 6:00 pm. Council members to confirm with Town Clerk with availability.

Dictaphone - Councilwoman Johnson asked Town Clerk is she would like to get a Dictaphone system to go with the new recorder. Councilman Shepard to look into one.

Dorothy Keller - former Town Clerk. Councilwoman Freeborn suggests the Town do something to commemorate her service to the Town as Town Clerk. Mayor Kapp suggested a street light given in her name. The concensus is to give her a plaque and a street light. Councilman Hancock suggested a Dorothy Keller Day. Councilman Shepard asked why we couldn't name this building after her, possibly the chamber be named the Dorothy Keller room, have a plaque with her name on the door plus a personal plaque to her for years of service. Councilwoman Johnson moved to send flowers June 6th, have a plaque made stating Dorothy Keller Room (for door) and a personal plaque to her years of service and invite the press for a ribbon cutting ceremony for the July 10th meeting, seconded by Councilwoman Freeborn. Discussion was that there would be a short meeting July 10th in order to have this celebration for Dorothy. Councilman Hancock suggested call supervisors, delegate, dignitaries, Colgan, etc. With no further discussion motion carried by unanimous vote.

NEW BUSINESS

Ordinances

Councilwoman Bailey moved to send ordinances down to Tallahassee. Mayor Kapp states when the sign ordinance is adopted we will send. Attorney Smith has been given a copy of the sign ordinance. Bailey states the ones we have should be sent down. Mayor Kapp stated the ones we have we will send down. Tentative public hearing at the August 7th meeting for sign ordinance adoption.

Sign Ordinance

Tentative joint public hearing schedule is August 7, 1995.

Planning Commission

Councilwoman Bailey reported Planning Commission work last meeting was signs, passed by Town Council, and Liz Weller addressed the Commission. PC approved deck for Withers and worked on sign ordinance with language Attorney wants. If Ms. Weller comes to the June 6 meeting they will start on the Comp Plan.

Historical Commission

Mrs. Turner reports, in response to Mrs. Freeborn's question about past mayors, she got the hand written list of Mayors from Mayor Pickett on up. The minutes were found and put in the Prince William County vault. Don Wilson is to write introduction to book on townships. Mrs. Turner working on the Haymarket book.

ARB Liaison

Nothing new since last discussion. Attorney Smith was faxed a copy of ARB's letter.

Motion to go into Executive Session

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

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

The substance of the matters to be discussed involves:

personnel matters

Citizen's Time

Alan Gossom mentioned at last meeting Cindee Twining was sick, he asked for her status. Mayor Kapp reported on her condition. Town Clerk to send flowers to Cindee at home.

Dorothy will be at Woman's Club, Town Clerk will have flowers brought to Town Hall for delivery.

Executive Session

Councilwoman Bailey moved to go into Executive Session, Va. 1.1-34, seconded by Vice Mayor Bean at 10:13 pm.

Vice Mayor Bean moved to go back into regular session at 10:55 pm, seconded by Councilwoman Bailey.

Councilman Hancock moved to certify executive session only personnel matter, seconded by Vice Mayor Bean. No further discussion motion carried by unanimous vote.

ARB Certificate of Appropriateness for Commercial Sign

Motion by Councilwoman Freeborn to approve new wording for ARB form, seconded by Councilman Shepard. With no further discussion motion carried by unanimous vote.

Masonic Lodge

Motion by Councilwoman Freeborn to send sample window on to ARB for recommendation and report back to Town Council, seconded by Vice Mayor Bean. Motion carried by unanimous vote.

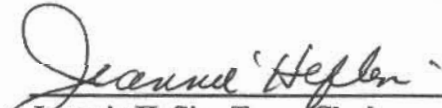
Greenhill Crossing, Section 9

Councilwoman Bailey complained that Section 9 needs to be bush hogged or cut. She wants grass cut all the way to the Railroad track. There was discussion that it is not usual to ask for grass to be cut on construction sites. Town Clerk to send letter to H/P /Companies telling them to cut grass on whole section 9.

With no further business the meeting was adjourned at 11:15 pm.

RESPECTFULLY SUBMITTED:

APPROVED;



Jeannie Heflin, Town Clerk



John R. Kapp, Mayor

Certification resolution of Executive Session

WHEREAS, this [council][board] convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia Requires a certification by the [council][board] that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE be it resolved that the [council][board] hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the executive meeting to which this certification applies; and (2) only such public business which the executive meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Upon Motion of Nancy Beily, seconded by Steve Bean,
Teri Freeborn, Debbie Johnson, James Shepard,
Ron Hancock, _____, voting "aye,"

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

tion resolution was adopted.