

TOWN OF HAYMARKET, VIRGINIA
Chartered 1799
County of Prince William
HAYMARKET TOWN COUNCIL MEETING-MAY 1, 1995

Send

MAYOR
John Kapp

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

The May 1, 1995 regular meeting of the Haymarket Town Council was called to order at 7:30 pm by Mayor Kapp. With all members presents, Mayor Kapp led the Council in prayer and the pledge to the American flag. Councilman Hancock moved to dispense with the reading of them minutes and approve the minutes, seconded by Councilman Shepard. With no discussion the motion carried by unanimous vote.

POLICE REPORT

Sgt Tatum requested authorization to conduct a traffic check. Vice Mayor Bean suggested a Friday and Saturday. Councilman Hancock moved to do motor vehicle check for infractions, seconded by Councilwoman Bailey. Dates recommended were May 12 and 13. Councilwoman Freeborn asked what kind of ticket would be issued (for town tag violation) or would it be a warning. Sgt Tatum stated they get no response to our town tickets - they are difficult to collect on. Councilwoman Freeborn would rather a warning and not a moving violation issued since these are our residents. Sgt Tatum stated we normally give a ticket and if the resident complies the ticket will be torn up. Sgt Tatum finds a traffic summons is the best way to get folks attention.

Police Department would like to get together and speak with the Town Council about auxiliary Police. They are unpaid trainees who would also be enrolled in the Police training program. This gives the town help and helps the new trainee to gain experience. Sgt Tatum would like to pursue more information from the City of Manassas. Mayor Kapp suggested Sgt Tatum check with Manassas and bring information to Town Council.

Councilwoman Bailey mentioned the ordinance in reference to live bands. Other than the noise ordinance should the Town consider any restrictions for the future. She also asked about curfew in towns, the County has a curfew ordinance and we may be covered under the County ordinance. Councilwoman Freeborn states we automatically have that available to us as part of Prince William jurisdiction. Sgt Tatum would like to try to enforce the curfew law as a means of eliminating the problems of getting the teens off the streets. Councilwoman Freeborn suggested Tatum check into the ordinance.

Mr. Bear asked if the County will supply any extra help on concert nights (at Nissan Pavilion)? Sgt Tatum states no additional help in Town limits unless he calls for back up. Mr. Bear suspects there will be a back up on Routes 15, 29 and at Route 66. Mayor Kapp met with Charlie Dean and Bill Hunt stating concert goers are to be sent down Rt. 66 to Rt 15 and down Route 29. VDOT will adjust the light to not favor Route 29 traffic.

Councilwoman Freeborn moved that Council go into Executive Session to discuss personnel

matters, seconded by Councilwoman Bailey. Motion carried by unanimous vote.

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* _____

*May 1, 1995
Jeanne Hepler
Town Clerk*

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 Freeman, seconded by Bailey,
Beas, Jackson, Shepard,
Hancock, _____, voting "aye,"

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

tion resolution was adopted.

May 1, 1995
Jeanne Hylen
Town Club

Executive session adjourned at 8:04 pm.

Council moved back into regular session.

Councilwoman Freeborn moved to appoint Councilwoman Johnson as the Sgt of Arms, seconded by Councilwoman Bailey. With no further discussion motion carried by unanimous vote.

TREASURERS REPORT

The treasurers report was summarized and read to the Council. An update of all bank account balances as of March 31, 1995 was provided to Council members.

UNPAID BILLS

A motion to approve Unpaid bills in the amount of \$5,502.20 was made by Councilman Hancock and seconded by Councilman Shepard. With no further discussion motion carried by a unanimous roll call vote.

OLD BUSINESS

Gainesville Elementary School - Mayor Kapp stated he has spoken with Mr. Gardner of Prince William County in regard to the site of the proposed emergency communication tower. Mr. Gardner stated that Prince William can put the tower on the Gainesville Elementary School site. Mayor Kapp spoke with attorney, Mr. Smith, in regard to the R1 zoning on the part of the site that is in the town limits of Haymarket. The R1 zoning does not permit the placement of such a tower except by special use permit only if it would not be detrimental to the property values or the health of the residents. Mayor Kapp spoke with Bob Marshall, who called a lawyer in Richmond. Mr. Marshall stated the lawyer stated there is no legislation to stop said tower from being placed there, but, there is case law that is in our favor. Our supervisors are meeting Tuesday at 2:00 to make a presentation on tower site. The Board of Supervisors may or may not vote on this at that time. Mayor would like to have an injunction drawn up that if that vote is cast the injunction will be served at that time.

Councilman Hancock stated we have no alternative but to take that step. There is no chance for us. Councilwoman Freeborn stated there were seven sites given to Ms. McManus. There was criteria she must have met. Freeborn spoke with all other supervisors and they said they will obviously have to come up with more sites.

The general consensus of the Council was that we have valid points due to population in the Gainesville Elem School area. Mayor Kapp would like to have a resolution passed and he would carry it down to the Board of Supervisors meeting.

Councilman Hancock moved to (1) Town Council passes a resolution against the site of the fire tower at the Gainesville Elementary School, seconded by Councilman Shepard.

Mr. Smith injects regarding the question of injunction, there may be a question of uses. Mayor Kapp states the County, according to Mr. Gardner, doesn't care what our zoning is. Mr. Smith states under this particular use he questions that we have followed administrative procedures. Should we state the County should make application with the Town. Mr. Smith says resolution should state it is not an appropriate site. Mayor Kapp states the site is in the town proper. County has only two sites on the Gainesville Elementary School lot which would be in the front yard of the school or the parking lot next to the Disney building.

With no further discussion motion carried by unanimous vote.

(2) Town attorney pursue legal matter for legal course of action to be prepared if needed immediately on our behalf, seconded by Councilwoman Bailey.

Mayor Kapp asked if letter from him to the Chairman of the Board would be appropriate. Mr. Smith states yes. The Town can not react until the Board of Supervisors takes action. Mayor Kapp will hand deliver the letter and resolution. Mayor Kapp will cite special use permit limitations. With no further discussion motion carried unanimously by roll call vote.

Greenhill Crossing

Section 9-early grading. H/P submitted plan to Virginia Soil & Water. Approvals in, BD&E approved with comments. John Elkins stated he wants to save trees if possible, particularly two at the Lyon's property line. Manganello of H/P states contracts on 1,2 & 8 are starting. The dirt work will generate 20,000 cubic yards of excess fill material. Mayor Kapp states that when strong south winds blow the dust must be wet down. Manganello states contractor (Hazel) is to keep a water truck on the site at all times for dust control. Manganello states the plan shows soil and erosion control and wetlands impact. Vice Mayor Bean asked about the bond. Manganello responded the bond will not be obtained until plan approval. Councilwoman Bailey moved to approve Section 9 for excess soil moving, pending bond, seconded by Councilwoman Freeborn. With no further discussion, motion carried by unanimous vote.

Mayor Kapp states he received a letter from VDOT confirming VDOT will do all inspections in the VDOT right of way.

Section 3 - in County, lot has two drains that drain into the Town proper (open discharge). Manganello states we need to sign Section 3 plat for recording with County Approval. Vice Mayor Bean moved to approve Section 3, seconded by Councilwoman Bailey. With no further discussion motion carried by unanimous vote. Manganello will bring check Tuesday am.

Section 9 permanent sign application - Councilman Hancock moved to send to PC and ARB not preapproved, seconded by Councilwoman Freeborn. With no further discussion motion carried by unanimous vote.

Section 9 - Manganello stated contractors want to put up silt fence, Council approved as long as they do not disturb land.

Farmers Market - Councilwoman Johnson has insurance information from Steve Cooper of Hutton & Payne to ensure the Town is covered. The question on Page 2 (of Turner Smith's letter in response to his reading of the Market Guidelines) "funds become not town funds", where and who receives the money and how is it expended must be addressed. Mayor Kapp responded Council takes the fees and donates to the Historical Commission. Councilwoman Freeborn states we are still responsible for expenditures. Mayor Kapp states Council could give to Historical Commission for the betterment of Haymarket. Councilwoman Bailey moved that the Town Council receives the fees and passes them to the Historical Commission to use for betterment of the Town, seconded by Councilwoman Johnson. With no further discussion motion carried by unanimous vote.

In regard to question by Mr. Smith "determine where" market held. It was agreed to be on the

Town Hall parking lot. Mr. Smith earlier said that the location was not a problem. The sign at the east end of town at Rts. 55/29 could interfere with visual aspect of traffic. Council agreed to put the sign on the east edge of town.

Market Manager - errors & mistakes liability. Councilwoman Johnson will check with Steve Cooper of Hutton & Payne. Also to check liability for special events, if Mr. Cooper recommends upping liability coverage.

Council feels traffic will not be a problem.

Mayor Kapp suggested resale items be kept to include only plants, flowers and produce.

Mayor Kapp suggested Town Clerk contact Sam Eddy at Cablevision for public announcement.

Comprehensive Plan

Eighty eight surveys have been returned completed with a full range of answers. Maury Gearson of Manassas recommended Liz Weller for help with our comp plan update. Town Council has a copy of her resume. Ms. Weller addressed the Council.

Bulk Mail

Town Clerk to get bulk mail charges.

Fund Accounting Software

Fund Accounting - \$1,995 and Tax Bill package \$1,695 = \$3,690. Councilman Hancock states if we buy now we don't have to put in FY'96 budget. Councilwoman Freeborn moved to purchase recommended software, seconded by Councilwoman Bailey. Roll Call vote carried motion by unanimous vote.

Water

tabled until surveys are in and tallied.

VEPCO - contract - Mr. Smith commented in order for background to be understood -= SCC does not regulate rates to municipalities. VEPCO raised rates exorbitantly - Mr. Smith recommends the contract be signed although he needs to point out charges imposed for underground cable. Motion by Councilman Hancock to approve contract for Mayor Kapp's signature, seconded by Vice Mayor Bean. With no further discussion, motion carried by unanimous vote.

Proposals for bathroom and sidewalk

Side walk - In front of the Town Hall where the dirt section is to parking lot - Fewell Melton to donate flag stone. The section is approximately 4' x 14'. Mrs. Turner asked if we didn't want to start with brick sidewalk here? Mayor Kapp stated we need to stay with the stone that was already installed out front to Washington St. Councilwoman Johnson suggests on future contracts that the Council set out in advance what exactly we need to have done and have sealed bid on what we ask for so we have comparable estimates.

Council to consider bids received on the sidewalk and bathroom and come back at the next meeting with ideas.

Newsletter

next newsletter scheduled should go out in June as we are on a three month schedule.

OLD BUSINESS

Hutton & Payne Insurance - Councilwoman Johnson and Mayor Kapp met with Steve Cooper of Hutton and Payne. He submitted a list of insurance that may apply to the Council and he highlighted what may benefit Council. Councilwoman Johnson told Mr. Cooper that Council would mull over for one month. If Council members will contact Councilwoman Johnson before the next meeting Mr. Cooper will do a proposal. Cooper thought maybe wrongful discharge would be what Council wants. Councilwoman Johnson wants to be covered if someone doesn't like a decision she makes and holds her personally liable. Councilwoman Freeborn asked if we can get combinations of coverage. Councilwoman Johnson thinks we can mix and match.

Rohrbaugh rezoning

First reading was done in April needs to be read again. Tabled to June meeting.

Coalition Against Hunger

Ms. Rodgers spoke to Council in reference to Community Unity Day. She outlined an event to be held behind the caboose on Alan Gossoms lot. The event will have live music, horseshoes, juggler, clown, and other activities. She is looking to early June for the event.

Mr. Smith states if we didn't sponsor the event or tie ourselves in and the event is not held on town property, the Town will have no liability.

Town Council states they approve the event.

Ordinance Codification

Diane Hill of DHH Designs proposes to update our ordinances, in lieu of using Municipal Code Corp. In Tallahassee. Mayor Kapp stated MCC charges \$8500 for 25 books (minimum number of books) with which they provide your code on computer disc but you can not print from this disc, it is read only.

Diane Hill proposed to redo the ordinance, supply 25 books, a computer disc with print capability. Mayor Kapp asked Mr. Smith if we have to have MCC update our code book. Mr. Smith states MCC updates with our State Code. We would not have that service with Diane Hill. He states we probably are better to stick with MCC. Mayor Kapp requested a letter be sent to Diane Hill stating Mr. Smith's recommendation.

Streetlight

Charles King on Jordan Lane wants a street light. Vice Mayor Bean states there are two or three security lights within 150' of this mans house. Police Officers are to be requested to check the situation at night and report to Council. Tabled to June.

MS bike-a-thon

will be in town May 20 between 10 am and 2 pm. There will be lots of bikes.

Business License

Red Rooster Antiques & Collectibles - Pam Stutz, applicant. Location to be the Old Post Office building. There is no use change - Mayor Kapp has all pertinent forms. Councilwoman Freeborn moved to approve, seconded by Vice Mayor Bean. With no further discussion motion carried by unanimous vote.

Sign Permit

Mayor Kapp stated he spoke with both sign applicants (Pam Thomas-Pam's Beauty & Barber)

and Barbara Mullins & Bettie Walker-Balloon 'n Gift Expressions) and they will cooperate with ARB guidelines for their signs.

Red Rooster Antiques & Collectibles - (1) free standing sign to be hung on existing pole in front (on the side) of the building. Vice Mayor Bean moved to preapprove and send to PC & ARB pending their approval, seconded by Councilwoman Johnson.

(2) 3' x 4' metal sign - application doesn't say where it is located. Mayor Kapp states ARB forms are not included. Councilwoman Bailey stated permits are not acceptable at 7:25 on meeting night. Vice Mayor Bean withdrew motion to approve. Councilwoman Freeborn moved to send two sign applications to PC & ARB preapproved, pending all forms submitted (certificate of appropriateness, plat & all forms). Seconded by Vice Mayor Bean. With no further discussion motion carried by unanimous vote.

Business License

Chevy Chase Auto - in old fire dept building - back office formerly occupied by Northern Virginia Imports. Business License/Gross Receipts form submitted. Vice Mayor Bean moved to approve, seconded by Councilwoman Johnson. Discussion: Hancock spoke to number of car dealers in town. Are we aware of those leaving town? Could we ask Alan when one leaves to let us know, are we getting duplicates of dealer names? Councilwoman Johnson asked if they are dealers does that income count as gross receipts? The answer was yes. With no further discussion motion carried by unanimous vote.

Sign Permit

Chevy Chase Auto - standard auto dealer sign - Vice Mayor Bean moved to approve, seconded by Councilwoman Johnson. With no further discussion motion carried by unanimous vote.

Gross Receipts

Town Clerk asked if she is authorized to require proof of gross receipts for all business license renewals. The answer was yes.

Building Permits

Withers deck - Councilman Hancock moved to send to PC & Gary Eddy, seconded by Councilman Shepard. With no further discussion motion carried by unanimous vote.

Planning Commission

The Planning Commission recommended approval of sign permit for Pam's Beauty & Barber and Balloon 'n Gift.

May 2, 1995 PC meeting will be the first work session on the comprehensive plan.

Historical Commission

Discussed the approval of the geological survey and architectural survey matching grant by the Town Council. Mrs. Turner contacted NVPDC, they had previously recommended we do the survey when planning commission discussed the Historic Overlay for Haymarket. Lynda Kemp of NVPDC prepared the draft. The application must be received, by May 5, in Richmond.

Keep Virginia Beautiful - Adrienne was voted "most enthusiastic" during Keep Virginia Beautiful Week. Mrs. Turner reported there was lots of response to beautifying Haymarket but no applications for the contest. The following were chosen to receive awards:

- (1) Alan Gossom for painting the old fire department building.
- (2) The Seffinga family for purchasing the white pear tree.

(3) St. Paul's Church who bought a large quantity of flowers for their landscaping. Money for these awards was donated by the Haymarket/Gainesville Business & Professional Association, Adrienne Crafton-Masterson and a new company in Gainesville.

Lafayette Day - Mrs. Turner reported there will be a ceremony in the park.

State Fair - The Historical Commission will go to the state fair and have living history people.

Mayor Kapp asked Bob to go to the McCoart Building and have a certificate of appreciation for hard work and volunteer effort presented to Mrs. Turner. Councilwoman Freeborn suggested we frame the other copy of the certificate and hang it in the Historical Commission office.

Architectural Review Board

Councilwoman Freeborn reported the ARB approved the Town Hall sign colors. Councilwoman Freeborn brought a sample of the sign for TC to see. Council approved paint, but stain has to be used on this material.

New Business

Mayor Kapp announced the first annual Mayor's Prayer Breakfast to be held on May 20 at 8 am at Christian Fellowship Church. For reservations call 754-9614.

Citizen's Time

Adrienne Crafton-Masterson states she must resign the Historical Commission due to need to proceed with her business and missionary pursuits.

Greenhill Crossing sign

Mrs. Masterson also stated she has a problem with H/P Greenhill Crossing sign recently erected in Town. Most specifically with the "Virginia's newest home town" statement on the sign. She is concerned that Greenhill is taking over and Haymarket may lose its identity. If they use this statement in publicity they should know Haymarket is not pleased with that comment. She would like the Town Council to send her concern to PC & ARB.

Councilwoman Johnson responded the Town Council has made a made H/P aware they did not get proper approval for that sign. Johnson also stated H/P has put a lot of money in that sign and probably won't change it.

Vice Mayor Bean stated he asked H/P again for the overpass for the train track and they said it is too expensive.

Mrs. Turner states she is sad to see Adrienne's resignation in that she has been a great enthusiastic worker for the Town.

Gainesville School

Mayor Kapp received a letter from Dr. Kelley that states if the building can be sold they will have to sell it and put the money in the general fund. Park Authority has made our bid to County and seems they're not overly enthusiastic for Haymarket to have the school.

Resolution concerning Gainesville School is attached. Mayor Kapp may take to Board again with resolution on the tower.

Gossom's Bear

Councilwoman Freeborn has had a number of complaints about the bear on the porch of Alan Gossom's office. She would like a letter to be sent to Alan asking him to kindly remove the bear and hobby horse due to a number of citizen complaints and the fact that Haymarket is trying to bring in the historic flavor.

Also she would like to request that Alan bring in business license and sign applications on the Friday before the meeting. Also she would like to know when he is going to bring that lot back into conformity with grass and landscape. Councilwoman Freeborn states there is no reason that lot is left like that. Gravel parking lots are not allowed in Town. Storm water management or grass & trees are the options open to him, one or the other. Councilwoman Freeborn wants a separate letter with due date of intent which way he is going with the lot. Councilwoman Johnson states what is point of the letter sent to the business community this spring about beautification the Town Council mailed out if this is tolerated. Councilwoman Freeborn to draft letter with background for Town Clerk to send.

Councilwoman Freeborn wants a work session at next budget meeting to consolidate the sign forms to one. Can't ARB & PC agree that all can be incorporated in one form. Put sign application on ARB form. She asked would Councilwoman Bailey please take to Planning Commission meeting of May 2 and ask to re-work form.

Councilwoman Freeborn stated items 10, 11, 12 & 13 on the meeting agenda used to be before old business. Before we rehash old business couldn't we take care of these items. Council agrees to have 10, 11, 12 & 13 moved back up to after "unpaid bills".

Police Dept. Liaison

Councilwoman Bailey requested would Councilwoman Johnson look into state retirement fund for the Police Dept.

Ordinance Violation Fines/Penalties

Councilwoman Bailey stated since we still have people putting up illegal signs, decks, etc. should Town Council come up with a fine fee for violations. Councilman Hancock asked who would enforce. Councilwoman Freeborn states Town Council administers and turns over to the Police Department. We have the authority to take down and have them pay the expense of doing so. Council requested a certified letter be sent to : Balloon 'n Gift Expressions (deck has to have a building permit), P. Jay's (free standing sign permit was never acquired), Shepherd of the Hills (banner is back up inside window).

Councilman Hancock agrees we do need fine schedule. He states the County gives stop work order and tears down non-conforming structures.

Town Clerk to check with County for fee schedule for fines for non-conformance for budget session 5/22.

Pam's Beauty & Barber - banner - if the banner is not up for more than two weeks we can not do anything about it.

Orndoff Corner

Vice Mayor Bean wanted to know the status of Orndoff Corner. A certified letter was sent to Wolfe Auctions and was returned unclaimed. Council requested another letter without the Town of Haymarket listed on the return address be sent certified mail.

Bean's Trash


no answer on rise in rate until September.

Correspondence

Marika Evans sent a letter which the Mayor read to Council. Town Clerk was instructed to call Gary Eddy and have him pick up the letter and handle. The history of the problem is; with B-1 zoning the fire rating code calls for either the ceiling of the shop to be removed or the stairs to the attic had to be removed. Mrs. Evans is unhappy she can not get up to that floor to check for animals that get in there because the Town forced them to take their stairs out. It is all in the code and OSHA requirements which Gary Eddy explained to the Evans.

Meeting adjourned at 10:42 pm

RESPECTFULLY SUBMITTED:



Jeannie Heflin, Town Clerk

APPROVED:



John R. Kapp, Mayor