

1 **Minutes of the New Market**
2 **Town Council Meeting**
3 **Tuesday, February 16, 2010**
4

5 The New Market Town Council met in the Council Chambers of the Arthur L.
6 Hildreth, Jr. Municipal Building on Tuesday, February 16, 2010 with the following
7 members present: Larry Smith, Mayor, John Blosser, Vice Mayor, Ripley Click, Harry
8 Durrett, Eddie Litten, Gary Comer and Troy Fadeley.

9
10 Town Attorney – Jason Ham
11 Town Manager – Chris Boies
12 Town Clerk – Jeanne Rinker
13 Visitors and Press – See attached sheet
14

15 Mayor Smith called the meeting into session and established that a quorum was
16 present. The Pledge of Allegiance was recited in unison.
17

18 **Approval of the Agenda**
19

20 **Mr. Litten moved to approve the agenda. The motion was seconded by Mr.**
21 **Comer and passed unanimously.**
22

23 **Consent Agenda**
24

25 Mayor Smith presented the consent agenda which included the minutes of the
26 January 19, 2010 Council meeting and the Financial Statements for January. **Mr. Comer**
27 **moved to approve the consent agenda. Mr. Fadeley seconded the motion which**
28 **passed unanimously on a voice vote.**
29

30 **Public Hearing**
31

32 There were no public hearings.
33

34 **Citizen Comments and Petitions**
35

36 The first citizen to come to the podium was Mr. Roy Muller. His comments
37 follow: “I talked to Chris, just as the snow storm was heading this way last week, about
38 the possibility of the Town setting a snow emergency route on Congress Street. There are
39 several reasons besides the needs for emergency vehicles, the fact that you get I-81 traffic
40 dumped on you when they have something happening on the interstate. You also have 2
41 subsidiary streets closed, Cadet Road and John Sevier because of the I&I situation. I feel
42 that with the snow emergency route the ideal thing would be to allow no parking on the
43 street if you had a reasonable forecast for snow. In the past you’ve had no parking on
44 Congress Street when you do street cleaning or for events. This winter we’ve had an
45 excessive amount of snow and I think it’s something you ought to consider making it a
46 part of your policy of making no parking for at least several hours after the snow stops so

47 VDOT and the Town can get the streets cleaned pretty decently and make it a safe
48 passage for everyone. I don't know if you've ever considered that or not, but I think you
49 ought to."

50
51 Mayor Smith and Mr. Comer agreed to put Mr. Muller's suggestion on the agenda
52 of the next Public Safety Committee meeting. Mr. Boies added that there are going to be
53 a few residents on the southern end of Congress Street that are not going to have any
54 other place to park, either in front of their residence or behind their residence. And there
55 is no public parking in that area, which is the reason we did not do it for this storm. We
56 just need to keep those people in mind because the closest parking would be beside
57 Jalisco's and some people would be walking several blocks through heavy snow to get
58 home, and that's going to create a problem for those folks. So this is something we need
59 to take into consideration. We would also have to check with VDOT to see if they would
60 even let us do that."

61 62 **Committee Reports**

63
64 **Finance & Personnel:** Mr. Fadeley reported that the Finance & Personnel
65 Committee met on February 1, 2010 with all members in attendance. "The first agenda
66 item was a closed session to discuss an appointment to the Board of Zoning Appeals.
67 Following the closed session the Committee voted unanimously to recommend the
68 appointment of Mr. Nevin Dellinger to the Board of Zoning Appeals."

69
70 "The next agenda item was consideration of budget amendments to the 09-10
71 budget just to reflect 2 grants that we were awarded. We voted to recommend to the
72 Council the approval of these budget amendments."

73
74 "We also discussed the proposed Capital Improvement Plan for the next 5 years.
75 We are recommending that it be forwarded on to the Planning Commission for their
76 consideration."

77
78 "Following the discussion the meeting was adjourned."

79
80 **Public Works:** Mr. Blosser reported that the Public Works Committee met on
81 February 1, 2010 with all members present. "Mike Ritchie gave an update on the I&I
82 Project with water lines on Cadet Road completed and all service lines connected. The
83 sewer line has been started. Mr. Boies added that the contractor has contacted the asphalt
84 plant to make sure we're close to the top of the list when they reopen in the spring."

85
86 "Mr. Boies gave an update on the force main project with 20% - 25% of the force
87 main in. The pump station project is running a little behind schedule."

88
89 Mr. Click asked about sump pumps and gutters that illegally discharge directly
90 into the Town sewer system. The Town attorney is going to look into this as he prepares
91 the new sewer ordinance.

92

93 There was no other business so the meeting was adjourned.
94

95 **Public Safety:** Mr. Comer reported that the Public Safety Committee did not
96 meet in February. However, he said he would like to take a moment to commend Chief
97 Peery and his Department “for their good work during the series of snow storms that
98 we’ve had. I really appreciate Sgt. Rinker and Officer Breeden for taking me around
99 town to take in what was going on during that time. I would also like to commend the
100 New Market Fire Department and the New Market Rescue Squad for all their fine work
101 during this time.”
102

103 **Tourism, Economic Development, and Historic Preservation:** Mr. Durrett
104 made the following report: “Monday, February 1st the Tourism, Economic Development
105 and Historic Preservation Committee met with all members present. The first item on the
106 agenda was discussion to schedule a meeting of the July 4th Committee sometime in
107 February. A tentative date of February 25th was set, dependent upon confirmation from
108 the participating organizations.”
109

110 “There was no further business to discuss so the meeting was adjourned.”
111

112 **Action Items** 113

114 Mayor Smith presented the first action item, discussion and consideration of
115 recommending to the Circuit Court the reappointment of Nevin Dellinger to the Board of
116 Zoning Appeals. **Mr. Litten made a motion to recommend to the Circuit Court the**
117 **reappointment of Mr. Nevin Dellinger to the Board of Zoning Appeals. The motion**
118 **was seconded by Mr. Fadeley and carried on the following roll call vote: Mr. Click,**
119 **aye; Mr. Fadeley, aye; Mr. Comer, aye; Mr. Blosser, aye; Mr. Durrett, aye; Mr.**
120 **Litten, aye.**
121

122 Next on the agenda of action items was discussion and consideration of budget
123 amendments to the 09 – 10 budget to reflect the award of two grants (\$50,000 for trees as
124 part of the Streetscape) and \$54,000 (to fence the well sites) and the expenditure of those
125 funds. **Mr. Fadeley moved to amend the 09 – 10 budget to reflect the funds from the**
126 **awarding of these two grants and also their expenditure. Mr. Comer seconded the**
127 **motion which carried on the following roll call vote: Mr. Litten, aye; Mr. Durrett,**
128 **aye; Mr. Blosser, aye; Mr. Comer, aye; Mr. Fadeley, aye; and Mr. Click, aye.**
129

130 Mayor Smith presented the third action item, discussion and consideration of
131 Resolution #200 endorsing a proposed voluntary settlement agreement with Shenandoah
132 County for the annexation of land in the New Market Growth Area. This resolution
133 would allow the document to be forwarded to the Commission on Local Government for
134 their review. **Mr. Fadeley moved to approve Resolution #200 as stated. Mr. Blosser**
135 **seconded the motion.**
136

137 Mr. Click had some questions regarding this resolution. He stated that it had been
138 kicked around for years and changed several times and he wanted to know why it has

139 taken so long and exactly what was involved at this time. He stated, "We need to talk
140 about this thing – one last time."

141
142 Mr. Boies stated, "Well what you're doing is just endorsing the plan to go to the
143 Commission on Local Government. They're going to come in and hold a public hearing.
144 They're going to issue a report (you talk about it taking a long time) back to the Town
145 and the County. We will then have to hold a public hearing. We could adopt it by an
146 ordinance. (I may be getting this out of order). A 3 judge panel then has to review the
147 document and give its final approval. So you're going to have to hold a public hearing on
148 this document and approve it at a later date. But basically what this document allows you
149 to do is annex land within this area that's been defined. Town staff feels that it meets the
150 needs of the Town in the future. You all have been updated on any major changes that
151 have occurred throughout the process. So there haven't been any major changes that you
152 all aren't aware of."

153
154 Mr. Ham added, "The basic structure of this is having a defined area, I mean
155 there's parameters to it, but an 'at will, yes I want this piece of land, and we've got to be
156 able to show that we need it, and that it's going to be developed, etc. There's other
157 technicalities in there, but, I mean that's what we want, power to decide what we want to
158 do and when we want to do it. I don't think the agreement is perfect; there's some things
159 in there that I'm not totally excited about, but I think it's as good as you're probably
160 going to get. As far as why it took so long, I don't think that's Chris's issue. I know the
161 county has not been very quick. I know that Chris was close to getting it done last
162 August. But, you're not done yet."

163
164 Mr. Boies commented, "Chad and I have a timeline of when we sent things to the
165 County and how long it takes to get a reply. And I could share that with you if you'd
166 like. There have been situations where we have had a couple of months go by without an
167 answer for something simple."

168
169 Mr. Click added, "Well, that was my concern, that they would sneak something in
170 that we hadn't talked about. When it's taken so long, it makes you kind of leery about
171 what the final outcome is."

172
173 Mr. John Chroniger asked the question, "Does that mean that the Town has the
174 final say, along with the county, on whether land would be brought into the Town or not,
175 or is there a place for citizens that live next door to that piece of property to express their
176 opinions?"

177
178 Mr. Ham explained, "Those citizens next door can have their positions heard, but
179 the Town is not supposed to support that position."

180
181 Mr. Boies added, "Every time a property is brought in, the Town Council will
182 have to take action, and it will be placed on their agenda. So it won't be anything that
183 Jason and I can get together and say 'oh, we're going to take this piece of property'. It
184 will be a public vote every time something's brought into town."

185 Mr. Chroniger continued, "Before, it seemed to me that the way we did it, there
186 was a great deal of arguing between you and the county as to whether or not they wanted
187 to relinquish the taxable land to our territory. We had to deal with proffers and so forth,
188 and some of it went to the county and some of it came to us. Would we have more control
189 over that portion of it? Would there still be room for the individual citizens to stand up
190 and be heard?"

191
192 Mr. Boies responded, "The way the agreement works is that everything is spelled
193 out between the Town and the County, like what properties can be taken in and when
194 they can be taken in and all of that. So there won't be any of that back and forth dialogue
195 between the Town and the County because everything will be spelled out in the
196 agreement."

197
198 Mr. Ham added, "And the cash proffer thing is still in there.....the fiscal impact
199 model. The county tax can be changed by the county. So you've got to have a certain
200 amount of faith in the county so that there's not some crazy thing put in there so that it
201 costs 5 million dollars to do this. The words 'reasonable discretion of the county' are in
202 there which is a little bit better. I know Chris has tried to get more out of the county on
203 that point and that they want to be able to change the (proffer model) in the future. This
204 is something that is a compromise. The other way you get property is you sue the county,
205 and that's what this provides, a moratorium for the Town for 20 years in exchange for
206 getting this agreement and you know you don't really want to go through that process
207 anyway. The basic model of having a set area and set parameters whereby it can come
208 in, that's exactly what this is. That is the best model, I think. There are a fair amount of
209 restrictions and strings attached to it, which you've read and seen. It's going to be a lot
210 of work for Chris and Chad to make sure all of that works as things go along. But most
211 of the things you would argue about have been taken away, so you won't have that
212 anymore."

213
214 Mr. Chroniger asked, "Where in this does the Planning Commission fall?"

215
216 Mr. Boies replied, "The Planning Commission will have to recommend the
217 zoning for those properties when they're brought into town."

218
219 Mr. Chroniger continued, "So it will have to go to them. Would this be before or
220 after the annexation?"

221
222 Mr. Boies stated, "We'll bring it into town as a transitional X, which means they
223 can do what's on the property now, but they can't do a whole lot else. They'll have to
224 rezone the property, and that will have to go before the Planning Commission, public
225 hearings and all that good stuff, and then to the Council."

226
227 Mr. Ham added that the zoning had to be consistent with the Comp Plan as well.
228

229 With no further discussion taking place, **Mayor Smith asked for a roll call vote**
230 **which resulted as follows: Mr. Click, aye; Mr. Fadeley, aye; Mr. Comer, aye; Mr.**
231 **Blosser, aye; Mr. Durrett, aye; and Mr. Litten, aye.**

232
233 **Mayor's Comments**

234
235 Mayor Smith had the following comments: "I'd like to piggy back on
236 Councilman Comer and say what a tremendous job not only the Police, the Fire and
237 Rescue Departments, but the Town Staff did in terms of moving snow. I heard nothing
238 but compliments, if you'll pass that on to the people involved. But I think we also need to
239 mention that the office staff was also here working. I think that's important too. As
240 slowly, at times, as the wheels of government grind, they keep it moving and kept it
241 moving during some pretty severe conditions. So, kudos to everybody on that. It was
242 good to see that the Town citizens pulled together. People were helping to shovel each
243 other out and doing that kind of thing. It was good to see the Town all working
244 together."

245
246 **Council Comments**

247
248 There were no Council Comments.

249
250 **Staff Comments**

251
252 Mr. Boies stated, "I would just like to echo your comments about snow removal.
253 Town staff stayed on top of it. They had a good plan put in place and they followed that
254 plan. They were able to stay on top of the snow. I went and visited some of the other
255 towns a couple of days later and our streets were much better than most of the other
256 localities. We were one of the few organizations I know that stayed open throughout the
257 entire storm. We didn't miss a minute of work. The office staff worked together very
258 well to cover the shifts."

259
260 "We're also watching things very closely in Richmond. They had their crossover
261 day for legislation. We went last week and spoke with Senator Obenshain and Delegate
262 Gilbert and voiced our concerns over the State budget and the cuts and the impact it's
263 going to have on the local budgets. We were told everything we wanted was protected,
264 so we're watching to see how things play out."

265
266 Mayor Smith announced that the New Market Rest Area on I-81 opened today.

267
268 **Closed Session**

269
270 There were no closed sessions.

271
272 **Adjournment**

273

274 Following a motion by Mr. Comer which was seconded by Mr. Fadeley, Mayor
275 Smith adjourned the meeting at 7:52 pm.

276

277

278

279

280

281

282

283

284

285

286

Larry Smith, Mayor

287

288

289

290

291

292

293

294

Jeanne K. Rinker, Town Clerk