

1 **New Market Town Council Meeting Minutes**
2 **Monday, March 17, 2008**
3 **7:30 pm**
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6 The New Market Town Council met in the Council Chambers of the Arthur L.
7 Hildreth, Jr. Municipal Building with the following members present: John Blosser, Vice
8 Mayor, Ripley Click, Troy Fadeley, Gary Comer, Mary Alice Burch, and Eddie Litten.
9 Mayor Tom Constable was absent.

10
11 Town Attorney – Jason Ham
12 Town Manager – Evan Vass
13 Town Clerk – Jeanne Rinker
14 Visitors and Press – See attached sheet
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16 **I. Call to Order and Establishment of a Quorum**
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18 Vice Mayor Blosser called the March 2008 Meeting of the New Market Town
19 Council into session and established that a quorum was present.
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21 **II. Pledge of Allegiance**
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23 The Pledge of Allegiance was recited in unison.
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25 **III. Recognition of Visitors**
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27 Mr. Blosser welcomed all visitors.
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29 **IV. Amendments to Agenda**
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31 There were no amendments to the agenda.
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33 **V. Consent Agenda**
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35 Vice Mayor Blosser presented the Consent Agenda which included the minutes
36 from the Council meeting held on February 18, 2008 and a special meeting held on
37 February 19, 2008. Also included in the Consent Agenda were the Financial Statements
38 for February 2008. Mr. Litten moved to approve the Consent Agenda as presented. Ms.
39 Burch seconded the motion which passed on the following vote: ayes (6) nays (0).
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41 **VI. Public Hearings**
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43 There were no public hearings.
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45 **VII. Citizens' Comments and Petitions**
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47 There were neither citizens' comments nor petitions.

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49 **VIII. Announcements**

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51 There were no announcements.

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53 **IX. Town Manager's Report**

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55 Regarding the TEA-21 Grant Administration, Mr. Vass reported that the Town
56 has entered into a negotiation phase with the firm, Land Planning and Design Associates.
57 A proposed contract should be forthcoming within the week. After the contract is
58 reviewed and approved by the Town and by VDOT, the design phase for the downtown
59 beautification project will begin.

60

61 Mr. Vass also gave an update on Regionalization of Wastewater Treatment. The
62 Town of Broadway submitted a Preliminary Engineering Report (PER) to the Virginia
63 Department of Environmental Quality (VDEQ) on March 15, 2008. Mr. Vass stated that
64 he did not yet have the PER in hand but expected to have it within the next few days. He
65 added that Mr. Ham had reviewed the contract, made some changes, and submitted a
66 contract back to Broadway's attorneys. He asked Mr. Ham to comment regarding the
67 contract. Mr. Ham informed the Council that he had looked at Timberville's contract and
68 noted that they had negotiated a somewhat better deal than what was offered New
69 Market. He also noted that there were three different places in the document that allowed
70 Broadway and New Market to walk away from the project in certain situations. That
71 clause and several other things needed to be changed. Mr. Vass added that he would be
72 speaking with William Johnson the following morning for his opinions on the contract
73 after Mr. Ham had made his comments. In concluding, Mr. Ham stated that there were
74 still many unknowns regarding expenses the Town will incur and which Mr. Johnson is
75 studying.

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77 Mr. Vass stated there were three items eligible for Council Action at this meeting.

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79 Vice Mayor Blosser presented the first item eligible for action, discussion and
80 consideration of a request by Jeffrey Burns, DDS for a conditional use permit
81 establishing more than one main use in the B-1 zoning district at 9634 S. Congress St.
82 The proposed use will be a Day Spa in addition to the existing use of a Dental Office.
83 The Planning Commission had recommended approval of this request. Mr. Vass noted
84 that parking has been established for the use of the building under construction. Mr.
85 Comer made a motion to approve the permit and Mr. Fadeley seconded. Mr. Ham then
86 reminded Council of the language that needs to be included in a motion for a conditional
87 use permit. Mr. Comer then revised his motion, adding that "the town council has
88 determined in accordance with the zoning ordinances that the utilization of the property
89 for more than one main use will in no way adversely impact the property in question or
90 the surrounding neighborhood." Mr. Fadeley again seconded the motion which passed on
91 the following roll call vote: ayes (6) nays (0).

92

93 The second item eligible for council action was the discussion and consideration
94 of a request by Donald and Carmen Conard for a conditional use permit establishing
95 more than one main use in the B-1 zoning district, the operation of an assembly hall,
96 teaching of art and music lessons, and the operation of a recording studio. The property
97 is located at 9357 N. Congress Street and occupies a structure known collectively as the
98 "old town hall" and the former "Rouss Opera House". Mr. Vass pointed out that there
99 were several staff recommendations (included in the application) that must be followed
100 for the approval of this permit. Mr. Litten made a motion to approve the conditional use
101 permit subject to the recommendations set forth on page 55 of the packet adding that the
102 town council has determined in accordance with the zoning ordinances that the utilization
103 of the property for more than one main use will in no way adversely impact the property
104 in question or the surrounding neighborhood. Mr. Comer seconded the motion which
105 passed on a roll call vote of ayes (6) nays (0).

106 The third item eligible for council action was the discussion and consideration of
107 a request for a rezoning of 1.649 acres near White Mill Road by the Fraternal Order of
108 the Eagles-Aerie 4264. Mr. Click made a motion to approve the rezoning request. Mr.
109 Fadeley seconded. Mr. Litten asked if the proffers of conditions, as listed on page 60 of
110 the council packet should be included in the motion. Mr. Ham responded that the
111 proffers were included in the application. Therefore they are already implied in the
112 motion. The motion passed on a roll call vote of ayes (6) nays (0).

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114 **X. Committee Reports**

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116 **Finance and Personnel:** Mr. Fadeley reported the committee met on Monday
117 March, 3, 2008 with all members present. There was no business on the agenda so the
118 meeting was adjourned.

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120 **Public Works:** Mr. Blosser reported that all members were present for the March
121 3rd, 2008 committee meeting. They received several updates from Mr. Vass regarding
122 current issues. The first was an update on the Broadway Regional Wastewater Treatment
123 facility. Mr. Vass also reported that the Phase I Inflow and Infiltration Project would be
124 put out for bids with construction starting around mid June. The final update concerned a
125 potential revenue sharing project with VDOT for the Shady Lane drainage/sidewalks
126 project. There was no other business on the agenda, so the meeting was adjourned.

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128 **Public Safety:** Mr. Comer reported that the Public Safety Committee met on
129 Monday, March 3, 2008 with all members present. Chief Peery gave an update on the
130 newly hired police officer. Mr. Comer then introduced Mr. Mike Miller who was present
131 at the Council Meeting. He added that Officer Miller was from Stanley, VA and had two
132 years experience as a police officer.

133

134 **Tourism, Economic Development, and Historic Preservation Committee:**
135 Ms. Burch reported that the committee met on March 3rd, 2008 with a quorum present.
136 The Committee received an update on the streetscape project from Mr. Vass.

137 The Committee discussed the July 4th Celebration. Ms. Burch reported that a
138 planning meeting was held March 12, 2008 and the next meeting will be held May 7,
139 2008.

140 She strongly urged interested parties to attend the next meeting as both ideas and
141 volunteers are needed.

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143 **XI. Council's Comments**

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145 None

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147 **XII. Mayor's Comments**

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149 None

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151 **XIII. Closed Meetings**

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153 There were no closed meetings.

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155 **XIV. Adjournment**

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157 The Council voted to adjourn at 7:53 pm.

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John Blosser, Vice Mayor

Jeanne K. Rinker, Town Clerk