

1 **Minutes of the New Market**  
2 **Town Council Meeting**  
3 **Monday, November 21, 2011**  
4 **7:30 pm**  
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8 The New Market Town Council met in the Council Chambers of the Arthur L.  
9 Hildreth, Jr. Municipal Building on Monday, November 21, 2011 with the following  
10 members present: Larry Smith, Mayor, John Blosser, Vice Mayor, Douglas Bradley, Troy  
11 Fadeley, Gary Comer, Harry Durrett and Eddie Litten.  
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13 Town Attorney – Jason Ham  
14 Town Manager – Evan Vass  
15 Town Clerk – Jeanne K. Rinker  
16 Visitors and Press – See attached sheet  
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18 Mayor Smith called the meeting to order and established a quorum. The Pledge  
19 of Allegiance was recited in unison.  
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21 **Approval of the Agenda**  
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23 **Mr. Comer made a motion to approve the agenda. Mr. Fadeley seconded the**  
24 **motion which carried unanimously on a voice vote.**  
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26 **Consent Agenda**  
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28 Mayor Smith presented the Consent Agenda which included the minutes of the  
29 October 17, 2011 council meeting and Financial Statements for October 2011. **Mr.**  
30 **Comer made a motion to approve the consent agenda. Mr. Bradley seconded the**  
31 **motion which carried unanimously on a voice vote.**  
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33 **Public Hearing**  
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35 Mr. Vass stated that it is often necessary for the Town to amend its budget over  
36 the course of a fiscal year. If the amendment exceeds 1% of the total budget, Virginia  
37 State Code Section 15.2-2507 requires council to hold a public hearing. The budget  
38 amendment currently up for action by the council exceeds that one per cent. Specifically  
39 the budget amendment concerns two (2) different appropriations. The first is an  
40 allocation from the general fund reserves to make necessary repairs to the pool. This  
41 appropriation totals \$116,000. The second appropriation in the amount of \$11,000 will  
42 fund the Draper Aden regional water study. This appropriation will use water/sewer fund  
43 reserves. Mayor Smith opened the public hearing. However there were no comments so  
44 he closed the public hearing.  
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46 **Citizen Comments and Petitions**

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There were no citizen comments nor petitions.

**Committee Reports**

**Finance & Personnel:** Mr. Fadeley reported that the Finance & Personnel Committee met on Wednesday, November 9, 2011 with 2 members present. The first agenda item was discussion and consideration of the 2 budget amendments for the current year’s budget. The amendment includes \$116,000 for pool repairs and \$11,000 for a regional water study. The committee recommends approval of these budget amendments to full council.

The second agenda item was consideration of authorizing an employee holiday gift of \$100 to each full time employee. The committee voted to recommend to full council the approval of this gift.

The committee convened in a closed meeting to discuss the hiring of a specific employee.

Mr. Fadeley reported that the Committee received a copy of the independent auditors’ statement. It was a positive report and Mr. Fadeley commended Mrs. Green and staff for a job well done.

**Public Works:** Mr. Blosser reported on 3 separate meetings of the Public Works Committee. The first was held on Wednesday, November 9, 2011 with a quorum present. There was no new business on the agenda. Mr. Vass gave an update on the Congress Street paving and Shady Lane projects before the meeting was adjourned.

The Public Works Committee convened for a special meeting on Thursday, November 10, 2011. A quorum was present. Three engineering firms were interviewed for a general engineering services contract. The 3 firms were Bowman Consulting, Draper Aden and Associates and Peed and Bortz. Following the interviews the meeting was adjourned.

On Monday, November 21, 2011 the Public Works Committee convened for a special meeting with all members present. The first agenda item was to select an engineering firm from the 3 interviewed on November 10<sup>th</sup>. After much discussion it was decided to contact Peed and Bortz to negotiate a contract.

The next item was discussion and consideration of site restoration within the force main alignment. After making a site visit and viewing the contractor’s pre-construction video, the committee elected to do no additional work at the site. The meeting was adjourned.

**Public Safety:** Mr. Comer reported that the Public Safety Committee met on Wednesday, November 9, 2011 with 2 members present. Mr. Comer thanked vice-

93 chairman John Blosser for conducting the meeting in his absence. There was no new  
94 business on the agenda, but in other business Mr. Vass gave an update on the lighting in  
95 the area of Century Village. At the September Public Safety meeting 2 residents of  
96 Century Village presented a complaint that the lighting near Century Village is  
97 inadequate. Mr. Vass stated that he met with Dominion Virginia Power and was given  
98 several different options as a solution to the problem. The first option was an additional  
99 street light on the east side of Route 11 south near Route 11 Equipment. The cost would  
100 be slightly over \$800. The Town would also pay for the electricity each month after the  
101 light is installed. A second option was installing 2 additional street lights north toward  
102 the Franwood Farms office along Route 11 east side. The cost for the 2 lights would be  
103 over \$2,000. The Committee voted to go with the first option, installing the one light  
104 south of Route 11 Equipment. Mr. Vass stated that he would have Dominion Virginia  
105 Power proceed with the installation of that light.

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107 Mr. Comer took the opportunity to thank Chief Peery and his department for their  
108 work during the installation of the new traffic signal.

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110 **Tourism, Economic Development and Historic Preservation:** Mr. Durrett  
111 reported that the Tourism, Economic Development and Historic Preservation Committee  
112 met on Wednesday, November 9, 2011 with 2 members present and 1 member absent.  
113 The first item on the agenda was a status update on streetscape construction Phase I. Mr.  
114 Vass reported that the new traffic light installation was scheduled for the following  
115 evening (November 10<sup>th</sup>). He also stated that the engineer was reviewing his estimate  
116 before Phase II of streetscape could be released for bids.

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118 Mr. Clem reported that a walk-through by VDOT found only minor issues and  
119 that Fine Earth Landscaping completed some plantings in the area of the public parking  
120 lot.

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122 In other business Mr. Vass reported that the Chamber of Commerce would like to  
123 issue a special plaque in memory of Ms. Mary Alice Burch. Mr. Vass said that he would  
124 ask the Chamber to provide a concept drawing of the plaque and its placement.

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126 Mr. Vass also announced that the voluntary settlement agreement would be  
127 considered by the special 3 judge panel on January 12, 2012.

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129 There being no further business, Mr. Durrett adjourned the meeting.

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### 131 **Action Items**

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133 The first action item was discussion and consideration of amending the Town's  
134 Fiscal Year 2012 annual budget. There were 2 amendments to consider, totaling  
135 \$127,000, as explained in the staff report. **Mr. Fadeley made a motion to approve the**  
136 **2 amendments to the 2012 budget. Mr. Bradley seconded the motion which carried**  
137 **on the following roll call vote: ayes (6) nays (0).**

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139 The next action item was discussion and consideration of approving the annual  
140 employee holiday bonus. **Mr. Fadeley moved to approve the employee holiday bonus**  
141 **of \$100 for each full time employee. Mr. Bradley seconded the motion which**  
142 **carried on the following roll call vote: ayes (6) nays (0).**  
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#### 144 **Mayor's Comments**

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146 Mayor Smith congratulated and welcomed Mr. Doug Bradley who was recently  
147 elected to fill the remaining portion of Ms. Burch's term on the council through June  
148 2014. Mr. Bradley responded with thanks to the voters and to the council.  
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150 Mayor Smith reminded everyone of the upcoming festivities on December 3,  
151 2011. He also thanked the residents of New Market for their cooperation and patience  
152 with all the construction and the paving occurring over the last several months.  
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154 In closing, Mayor Smith wished a Happy Thanksgiving to all.  
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#### 156 **Council Comments**

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158 There were no comments from the council.  
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#### 160 **Staff Comments**

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162 Mr. Vass provided the following updates:  
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- 164 • He reported that the Shady Lane project is expected to have, as early as this  
165 week, authorization from VDOT to put the project out for bids.
- 166 • Regarding streetscape, Mr. Vass related that VDOT's paving contractor had  
167 damaged about 600 feet of the new curbing during repaving in mid November.  
168 The contractor has accepted responsibility for the damage and plans to do the  
169 necessary repairs. The paving contractor has agreed to delay concrete repairs  
170 until spring 2012.
- 171 • The Town now has an open position for a water treatment operator.
- 172 • The Capital Improvement Plan, which is the 5 year capital budget has been  
173 submitted to the capital improvement sub-committee of the Planning  
174 Commission for review. Results of that will be forthcoming in late November..
- 175 • Regarding streetscape Phase II, Mr. Vass reported that the reason it has not been  
176 bid out is because the engineer's estimate for construction costs exceeds what is  
177 believed are available funds left from the TEA -21 fund. Mr. Lieberth, the  
178 architect has suggested several different options. The most prudent one of those  
179 seems to be to proceed with advertising the bid for the project. Mr. Vass stated  
180 that he and Mayor Smith had discussed the issue and decided to most likely put  
181 the project out for bids and see what the bids look like, and report back to  
182 Council if there is still a discrepancy after bids are received.  
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#### 184 **Closed Session**

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At 7:50 pm Mr. Fadeley moved, seconded by Mr. Blosser, that the Town Council convene in closed session to consult with legal counsel and be briefed by staff members or consultants about actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the local government's negotiating or litigating posture, as authorized by section 2.2-3711(A)(7) of the state code. The subject matter of the closed session – and the litigation - is Commonwealth Excavating, Inc. The motion was approved with the following recorded roll call vote:

Mr. Bradley	aye	Mr. Blosser	aye
Mr. Fadeley	aye	Mr. Durrett	aye
Mr. Comer	aye	Mr. Litten	aye

Council reconvened at 7:59 pm. Mr. Vass read the certification resolution as follows: "With respect to the just concluded closed session, and to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under The Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting by the Town Council. Mr. Fadeley moved to accept the certification resolution as read. Mr. Bradley seconded. The motion was approved with the following recorded roll call vote:

Mr. Litten	aye	Mr. Comer	aye
Mr. Durrett	aye	Mr. Fadeley	aye
Mr. Blosser	aye	Mr. Bradley	aye
Mayor Smith	aye		

**Adjournment**

There being no further business to consider or discuss, Mayor Smith adjourned the meeting at 8:00 pm following a motion by Mr. Comer with a second by Mr. Bradley.

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Larry Smith, Mayor

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Jeanne K. Rinker, Town Clerk