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**Minutes of the New Market
Town Council Meeting
Tuesday, February 20, 2018
6:30 pm**

The New Market Town Council met in the Council Chambers of the Arthur L. Hildreth, Jr. Municipal Building on Tuesday, February 20, 2018 with the following members present: Mayor Douglas Bradley, John Blosser, Peter Hughes, Scott Wymer, Gary Comer, Tim Palmer, and Peggy Harkness.

Town Attorney – Jason Ham
Town Manager – J. Todd Walters
Town Treasurer – Teresa Green
Town Planner – Alex Berryman
Administrative Assistant – Donna Lohr

Mayor Bradley called the meeting to order and established a quorum with all members present. The Pledge of Allegiance was recited in unison. Mayor Bradley welcomed all visitors, guests, and members of the press.

Approval of the Agenda:

Mr. Comer made a motion to approve the agenda as presented. Mr. Palmer seconded the motion which passed on a unanimous 6-0 voice vote.

Consent Agenda:

Mr. Comer moved to approve the consent agenda which included the minutes from the January 16, 2018 meeting of the Town Council and the Financial Statements for January 2018. Mr. Wymer seconded the motion which carried on a unanimous 6-0 voice vote.

Public Hearing:

No public hearings scheduled.

Citizen Comments and Petitions:

Mr. Grant Bogle, a young life leader at Stonewall Jackson High School, spoke on behalf of Ms. Dorothy Lam who is a New Market Citizen. Mr. Bogle explained that Young Life is an international Christian organization. He is a JMU student and is one of 20 Young Life leaders in Shenandoah County. The goal of the Young Life Organization is to go into the school and build relationships with teens by attending their sporting events, concerts, theatre productions and other activities. They hope to provide guidance and mentorship for area teens. Once a week they have a Young Life Club. The goal of the club is to provide a safe, high energy, and welcoming environment for teens. Leaders provide a brief message each week for area teens about a God who loves them. Currently, there is no permanent place to hold the club for students who attend Stonewall Jackson High School. They are looking for a facility that can provide an empty room for

50 weekly club meetings which are held during the school year, from September –
51 December and from January – May.

52 Mr. Eddie Litten, 305 Clicks Lane New Market, VA, spoke regarding the action
53 item on this evening’s agenda of a discussion of requests for fireworks funding. Mr.
54 Litten stated that he believes it is a mistake for the Town to pay for fireworks. He said
55 that civic organizations and private groups paid for the fireworks the past couple of years
56 and it worked out just fine. Mr. Litten said that when the Town stopped paying for the
57 fireworks a few years ago, he received numerous phone calls from people telling him that
58 they were glad that the Town was not using tax payer money to pay for fireworks. Mr.
59 Litten advised that he does not believe that tax payer dollars should be used to pay for
60 fireworks. Mr. Litten mentioned that a tax cut on real estate bills might be possible
61 instead of funding fireworks. Mr. Litten mentioned that the majority of the people that
62 watch the fireworks are not even town citizens and do not spend any money in the town
63 while they are here. He advised that council should consider that before they spend
64 money on fireworks.

65
66 **Committee Reports:**

67
68 There were no Committee Reports.

69
70 **Staff Reports:**

71 **1. Public Safety Annual Report – Chief Chris Rinker**

72 Chief Rinker presented the annual report for the Police Department for 2017. A
73 copy of his power point presentation is included.

74
75 **Action Items:**

76
77 The first action item on the agenda was the discussion and consideration of
78 requests from the New Market Area Chamber of Commerce concerning an Open Market
79 for the first Saturday of May 2018 – December 2018. Mr. Walters stated that a copy of
80 the letter listing the Chamber of Commerce’s requests was included in the packet. The
81 Chamber of Commerce is requesting permission to advertise 1 week prior to the weekend
82 with signage within VDOT setback standards, to make the police department aware of the
83 dates and areas involved, to request that vendors be allowed to set up their tents
84 beginning at 7:00 a.m. on the day of the market, waiving of the Itinerant merchant’s fee
85 for the dates of May 5, June 2, July 7, August 4, September 1, October 6, November 3
86 and December 1, waiving of the Temporary Use Permit application fee. All money for
87 vendors will be maintained at the Chamber of Commerce for the betterment of the
88 organization. **Mr. Blosser made a motion to approve the requests from the Chamber
89 of Commerce as listed in the letter included in the packet. Mr. Comer seconded the
90 motion which passed on the following 6-0 unanimous roll call vote:**

91

92	Mr. Hughes	Aye	Mr. Blosser	Aye
93	Mr. Wymer	Aye	Mr. Palmer	Aye
94	Mr. Comer	Aye	Mrs. Harkness	Aye

95

96 The second action item on the agenda was the discussion and consideration of the
97 Capital Improvement Plan (CIP) FY '19 – '23. Mr. Walters explained that this is the
98 Capital Improvement plan for the next five years that was discussed in council’s work

99 session and that was approved by the Planning Commission. Mr. Walters mentioned that
100 he is aware that the water storage tank issue is a concern but he believes it needs to be
101 included because eventually that situation will need to be addressed. Mr. Walters advised
102 that he will know more about this issue at the March work session when we will hear
103 from our engineer. **Mr. Comer made a motion to approve the Capital Improvement**
104 **Plan (CIP) FY '19 – '23. Mr. Palmer seconded the motion which passed on the**
105 **following 6-0 unanimous roll call vote:**

106				
107	Mrs. Harkness	Aye	Mr. Comer	Aye
108	Mr. Palmer	Aye	Mr. Wymer	Aye
109	Mr. Blosser	Aye	Mr. Hughes	Aye

110
111 The third item on the agenda was the discussion and consideration of a
112 recommendation to the Circuit Court of an appointment to the Board of Zoning Appeals
113 (BZA). Mr. Walters explained that Mr. Berryman had not heard from Mr. Bob Moyers,
114 who was on the Board of Zoning Appeals until this week which was after Mr. Berryman
115 had already reached out to Mr. Sonny Mongold. Mr. Moyers did advise Mr. Berryman
116 that his is still interested in serving on the BZA. Mr. Mongold was willing to serve but
117 since Mr. Moyers has agreed to serve another term, Town staff is recommending that
118 council recommend to the circuit court the appointment of Mr. Bob Moyers to the BZA.
119 Mr. Hughes made a motion to recommend to the circuit court the appointment of Mr.
120 Bob Moyers to the Board of Zoning Appeals. Mr. Blosser seconded the motion which
121 passed on the following 6-0 unanimous roll call vote:

122				
123	Mr. Hughes	Aye	Mr. Blosser	Aye
124	Mr. Wymer	Aye	Mr. Palmer	Aye
125	Mr. Comer	Aye	Mrs. Harkness	Aye

126
127 The fourth item on the agenda was the discussion and consideration of a
128 recommendation to the Historic Overlay District Review Board (HODRB). Mr. Walters
129 advised that staff recommends Mr. Allen Johnson and Mr. Greg Bair be reappointed to
130 the Historic Overlay District Review Board, effective immediately. They are currently
131 serving on the board but their terms expired in November 2017. **Mr. Palmer made a**
132 **motion to reappoint Mr. Allen Johnson and Mr. Greg Bair to the Historic Overlay**
133 **District Review Board, effective immediately, per staff's recommendation. Mr.**
134 **Wymer seconded the motion which carried on the following unanimous roll call**
135 **vote:**

136				
137	Mrs. Harkness	Aye	Mr. Comer	Aye
138	Mr. Palmer	Aye	Mr. Wymer	Aye
139	Mr. Blosser	Aye	Mr. Hughes	Aye

140
141 The next item on the agenda was the discussion and consideration for fireworks
142 funding, use of town facilities, and personnel support from the police and maintenance
143 departments for an Independence Day Celebration. Mr. Walters stated that included in
144 the packet was a letter from representatives from the New Market Chamber of
145 Commerce, the American Legion, and the New Market Rotary Club. They are asking for
146 the Town to fund the firework portion of the event on July 3rd. These organizations are
147 willing to handle the event, but they are asking the Town to cover the cost of the

148 fireworks. Mr. Walters advised that he had checked with three different vendors to
149 obtain a cost for fireworks. One vendor is unavailable for the date we need, one vendor
150 did not return his call, and the vendor that was used last year did answer Mr. Walter's
151 inquiry. He is available on July 3rd and the cost will be \$8,525 which is for a fifteen-
152 eighteen minute show. This vendor is holding the date for the Town, but Mr. Walters
153 needs to get back in contact with him very soon. Regarding the funds, Mr. Walters
154 advised that half of the funds could be taken from the General Fund Capital Outlay
155 Contingency line item and those funds would need to be paid by April 1, 2018. The
156 remaining balance needs to be paid within 30 days of the show which would be in the
157 next fiscal year. If council desires to pay for the fireworks, then the down payment can
158 be paid in April and Mr. Walters will make it a budgeted item for the second half in the
159 next fiscal year. **Mr. Palmer made a motion to approve the requests for fireworks
160 funding in the amount of \$8,525, use of town facilities, and personnel support from
161 the police and maintenance departments for an Independence Day Celebration to be
162 held on July 3rd, 2018 as stated in the letter included in the packet. Mr. Hughes
163 seconded the motion.**

164 Mrs. Harkness remarked that she is giving up on this issue. She advised that she
165 is not particularly fond of going back to the Town paying for the fireworks but she has
166 not had any issue where more people have come to her to talk about it and express their
167 interest in it. She stated that she is quite certain that the number of people present at this
168 evening's meeting are not present to talk about the CIP. She advised that she has not
169 seen so much energy around an event that is going to take \$8,525 for 15-18 minutes. The
170 cost to the Town is more like \$15,000. She just wants to say that she will support it but it
171 is not how she would ordinarily spend the Town's money.

172 Mr. Hughes stated that he would describe this as the Town's largest community
173 event. It will cost less than \$15,000 which he knows because he has worked with the
174 other organizations who have been the ones raising the money for the last few years.
175 This event attracts more town residents than any other event. What amounts to a four and
176 a half hour event offers engagement for all age groups and is something New Market can
177 and should feel proud of. It generates positive feelings for town residents and for people
178 who live outside of Town. It is something that makes New Market special. The event
179 doesn't happen with just the fireworks. It has to be an event that is engaging and which
180 has a lot of participation and that is the kind of event that has been held the past two
181 years. It takes a long time to plan the event and requires many people to be involved.
182 Mr. Hughes stated that he would be very happy in the future to put this issue to a vote of
183 the people. He does not know what the town would be without this kind of event. This
184 epitomizes the opportunity for New Market to be a community. It would be crazy for a
185 small number of people to work as hard as they do unless there were some tangible
186 feeling of good results that come out of this for the Town.

187 Mayor Bradley stated that he has received many concerns from people regarding
188 whether or not there will be an Independence Day celebration in the town this year. He
189 believes the town should not let them down.

190 Mr. Palmer commented that he has not had any negative comments regarding the
191 cost of the fireworks. He has had numerous people comment that it is a positive event for
192 the town. This is an event where people of all ages can come together and socialize and
193 enjoy the music and activities in the park. It is worth the few pennies that it might cost
194 someone from their taxes to fund this event.

195 Mr. Wymer asked if it is possible to have this activity without having the
196 fireworks. Would there still be community interaction if the event were still held with all
197 the activities, but without the fireworks?

198 Mr. Walters clarified that town council is voting for this year only.

199 Mr. Ham remarked that the motion is for this year only, but if this is going to be a
200 continuous thing then it ought to be part of budget discussions.

201 With no further discussion, the motion passed on the following 4-2 roll call vote:

202				
203	Mr. Hughes	Aye	Mr. Blosser	Nay
204	Mr. Wymer	Nay	Mr. Palmer	Aye
205	Mr. Comer	Aye	Mrs. Harkness	Aye
206				

207 The next item on the agenda is the discussion and consideration of Ordinance
208 #100, regarding the removal and abatement of nuisances, tall grass and weeds. Mr.
209 Walters mentioned that one of the issues that was brought to him upon his arrival to the
210 Town was that some of the properties around town that may need some sprucing up or
211 need some items taken care of and when he, Mr. Berryman and Mr. Ham looked at the
212 town's ordinance, it seemed that the existing ordinance needed some amendments made
213 to it. Town staff reviewed an ordinance from another town and determined that was the
214 direction they wanted to go. The nuisance ordinance included in the packet has a little
215 more "teeth" as far as nuisances go, and it includes some fines. Mr. Walters advised that
216 town staff will still work with property owners if they want more time or wish to discuss
217 nuisance ordinance violations. The Town Manager can grant time extensions at his
218 discretion.

219 **Mr. Comer made a motion to adopt Ordinance #100, regarding the removal**
220 **and abatement of nuisances, tall grass and weeds. Mr. Hughes seconded the motion**
221 **which passed on the following unanimous 6-0 roll call vote:**

222				
223	Mrs. Harkness	Aye	Mr. Comer	Aye
224	Mr. Palmer	Aye	Mr. Wymer	Aye
225	Mr. Blosser	Aye	Mr. Hughes	Aye
226				

227 The seventh item on the agenda was the discussion of a land donation from
228 Windy Hill II, LLC. Mr. Walters explained that several weeks ago he and Mr. Berryman
229 met with a representative for the gentleman who owns approximately 18 acres off
230 Jackson Avenue. This property is currently subdivided with lots. After reviewing the
231 cost to develop it, they had determined it is not worth it to develop and so they are
232 interested in giving it away and have given the Town of New Market the first option of
233 receiving the land. Mr. Walters has verified with the owner it is just a gift and there are
234 no restrictions on it so the Town of New Market could sell the land if that is desired. The
235 land gift could be given to the Town as soon as the legal documents can be completed.
236 The topography of the land is fairly steep and wooded. Currently the town does not have
237 any plans for the land. Options for the land include the possibility of a nature park with a
238 trail or the town could simply sell the land in the future. Mr. Walters advised the owner
239 that he appreciated the offer and the owner advised that he would not say or do anything
240 with the land until the Town had made a decision. Mr. Walters advised council that he
241 does not believe there are any environmental issues with this land. It does not appear that
242 it was a dump site at any point. If Council wishes to accept the land gift, Mr. Walters
243 advised that he will contact the landowner and let him know. **Mr. Blosser made a**

244 **motion to accept the land donation from Windy Hill II, LLC. Mr. Comer seconded**
245 **the motion.** Mr. Hughes asked if there are any costs involved with accepting the land
246 donation. Mr. Walters advised that the landowner did not ask about writing the deed, but
247 since the man is donating almost 19 acres, the town may wish to have Mr. Ham draw up
248 the deed and the town could pay for those costs as well as for title insurance on it, if
249 necessary. Mr. Walters estimated that may cost roughly a few hundred dollars. **With no**
250 **other discussion the motion passed on the following unanimous 6-0 roll call vote:**

251				
252	Mr. Hughes	Aye	Mr. Blosser	Aye
253	Mr. Wymer	Aye	Mr. Palmer	Aye
254	Mr. Comer	Aye	Mrs. Harkness	Aye
255				

256 The final item on the agenda was the discussion and consideration of support for
257 the Save the Knob campaign. Mr. Walters advised that in early December he received a
258 letter asking for the Town's support to Save the Knob. Mr. Walters advised that he told
259 the lady that when they were close to let him know and he would take the issue to
260 council. He has since received notification that they had reached their goal but they still
261 need funds for other additional expenses if the Town of New Market would be willing
262 and wanted to provide any additional financial support to the Save the Knob campaign.
263 After a brief discussion, no motion was made by council to provide support for the Save
264 the Knob campaign.

265
266 **Mayor's Comments:**

267
268 Mayor Bradley provided a phone number for Ms. Dorothy Lam, 540-481-3191 in
269 case anyone wishes to provide a room for Young Life weekly meetings. Mayor Bradley
270 thanked Chief Rinker for his annual report presentation. Mayor Bradley thanked council
271 members for supporting funding for fireworks.

272
273 **Council Comments:**

274
275 Mr. Comer thanked Chief Rinker for providing the Police Department's annual
276 report. He thanked Chief Rinker for doing a great job as Chief of Police.

277 Mrs. Harkness invited all members of the audience to return for future meetings.

278 Mr. Hughes thanked Mr. Walters and staff for sweeping the streets in town. Mr.
279 Hughes and Mr. Comer agreed that they would like to see the streets swept every few
280 weeks.

281
282 **Staff Comments:**

283
284 Mr. Walters mentioned that there was an open gym held from 4-6pm at the
285 Community Center on Saturday and 13 people attended despite the bad weather. This
286 coming Saturday at the Rouss Theatre there will be a Family Movie night at 2pm and at
287 7pm. Admission is free, but tickets must be reserved. Mr. Walters mentioned that Mrs.
288 Amber Smoot is working to get a yoga instructor to hold some classes at the Community
289 Center. Mr. Walters mentioned that he appreciates Mrs. Smoot's efforts and hard work.
290 Mr. Walters also thanked Chief Rinker for presenting his annual report.


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292 **Closed Meeting:**

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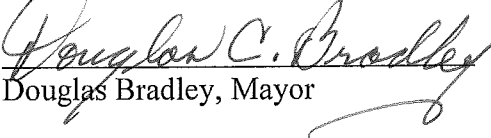
None

Adjournment:

At 7:29 p.m. Mr. Comer made a motion to adjourn the meeting. Mr. Wymer seconded the motion which carried on a unanimous 6-0 voice vote.



J. Todd Walters, Town Clerk



Douglas Bradley, Mayor