

1 **Minutes of the New Market**  
2 **Town Council Meeting**  
3 **Monday, December 17, 2018**  
4 **6:30 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 on Monday, December 17, 2018 with the following  
8 members present: Vice-Mayor Peggy Harkness, Daryl Watkins, Peter Hughes, Tim  
9 Palmer, Larry Bompiani and Scott Wymer. Mayor Douglas Bradley was absent.

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11 Town Attorney – Jason Ham  
12 Town Manager – J. Todd Walters  
13 Administrative Assistant – Donna Lohr  
14

15 Vice-Mayor Harkness called the meeting to order and established a quorum with  
16 all members present. The Pledge of Allegiance was recited in unison. Mrs. Harkness  
17 welcomed all visitors and guests.  
18

19 **Approval of the Agenda:**

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21 **Mr. Palmer made a motion to approve the agenda as presented. Mr. Wymer**  
22 **seconded the motion which passed on a unanimous 6-0 voice vote.**  
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24 **Consent Agenda:**

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26 **Mr. Hughes moved to approve the consent agenda which included the**  
27 **minutes from the November 19, 2018 Meeting of the Town Council and the**  
28 **Financial Statements for November 2018. Mr. Palmer seconded the motion which**  
29 **carried on a unanimous 6-0 voice vote.**  
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31 **Public Hearing:**

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33 No public hearings scheduled.  
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35 **Citizen Comments and Petitions:**

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37 There were no citizen comments nor petitions.  
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39 **Committee Reports:**

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41 There were no Committee Reports.  
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43 **Staff Reports:**

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45 **1. Public Works Monthly Report – Mr. J. Todd Walters**

46 Mr. Walters gave a power point presentation which included a planning and  
47 zoning update as well as a summary of projects that the Maintenance and Public Works  
48 Departments worked on during the month. A copy of Mr. Walter's presentation is on file  
49 with the minutes.

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**2. Public Safety Monthly Report – Chief Chris Rinker**

Chief Rinker gave a brief power point presentation which included statistics for the department for the month of November as well as events and trainings attended by New Market Officers. A copy of the information presented by Chief Rinker is on file with the minutes.

**3. Events & Marketing Report – Mrs. Amber Smoot**

Mrs. Smoot gave a power point presentation which included the Town’s Social Media analytics for the past month as well a brief summary of events held in December. A copy of Mrs. Smoot’s report is on file with the minutes.

**Action Items:**

The first action item was the discussion and consideration of appointments to the Planning Commission. Mr. Walters mentioned that the appointments of Mr. George Daugharty, Mr. Danny Rice and Mr. Bob King are set to expire at the end of December 2018. Mr. Daugharty and Mr. King are willing to serve another term. Mr. Rice has declined to serve another term. Mr. Walters advised that council may re-appoint Mr. Daugharty and Mr. King this evening. In addition he advised that he has received several volunteer applications which he will be copying Town Council members on for their review. They can discuss the applications and make a selection by next month. **Mr. Hughes made a motion to re-appoint Mr. George Daugharty and Mr. Bob King to the Planning Commission for a four-year term, effective January 1, 2019. Mr. Wymer seconded the motion which passed on the following 6-0 roll call vote:**

<b>Mr. Hughes</b>	<b>Aye</b>	<b>Mrs. Harkness</b>	<b>Aye</b>
<b>Mr. Wymer</b>	<b>Aye</b>	<b>Mr. Watkins</b>	<b>Aye</b>
<b>Mr. Palmer</b>	<b>Aye</b>	<b>Mr. Bompiani</b>	<b>Aye</b>

The next action item was the discussion and consideration of the approval of a franchise agreement with Shentel. Mr. Walters stated that their agreement has run out. They are asking the Town to renew this agreement. Mr. Ham stated that state law requires that he solicit from everyone in the audience if anyone has any other cable franchise that the Town would like to consider. It also requires that a brief summary be provided which Mr. Ham proceeded to do. He remarked that this is a non-exclusive cable franchise which means that if someone else were to come along you can add a second or third provider if you ever wanted to. State law has a forty year maximum for allowing any kind of franchise which is a use to one particular person or entity, which is not the same as every public citizen. Shentel is asking for fifteen years. The agreement provides for us to have use of a TV channel if so desired and up to \$2500 towards AV equipment. Shentel is paying the legal cost of Mr. Ham’s review of this to make sure that the correct state law process is gone through for a franchise and to make sure the Town is adequately protected. Shentel has agreed to indemnify the Town if someone is injured as a result of their activities. They also have a million dollar insurance policy that they will agree to keep in effect and a \$100,000 dollar bond that the Town can draw on should they violate the agreement. Mr. Hughes remarked that it seems like fifteen years is a long time in a world where technology changes so quickly. He asked Mr. Ham if that is a common amount of time amongst other Towns in the area. Mr. Ham responded that ten to twenty years is common. Mr. Hughes asked if some new technology came through

99 and it wasn't available through Shentel, would people be able to take advantage of that.  
100 Mr. Ham answered in the affirmative. Mr. Palmer asked if services can be added or  
101 subtracted. Mr. Ham advised that this agreement doesn't really speak to the services. It  
102 just gives them the right to use the ways within the Town that are the public ways.  
103 Services and channels are up to the open market. **Mr. Wymer made a motion to**  
104 **approve a franchise agreement with Shentel. Mr. Watkins seconded the motion.**  
105 **The motion passed on the following 6-0 roll call vote:**

107	<b>Mr. Bompiani</b>	<b>Aye</b>	<b>Mr. Palmer</b>	<b>Aye</b>
108	<b>Mr. Watkins</b>	<b>Aye</b>	<b>Mr. Wymer</b>	<b>Aye</b>
109	<b>Mrs. Harkness</b>	<b>Aye</b>	<b>Mr. Hughes</b>	<b>Aye</b>

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111 The third action item was the discussion and consideration of a Conditional Use  
112 Permit for Pamela Terry located at 204 East Old Cross Road in New Market, VA. Mr.  
113 Walters advised that this is the house and lot located in front of the American Legion.  
114 The Town held a public hearing on this C.U.P. the first of the month. Planning  
115 Commission did recommend approval of this Conditional Use Permit. Currently Ms.  
116 Terry is planning to move her State Farm Insurance business from Mt. Jackson to this  
117 location in New Market. In the future a hair salon and a bakery may operate at this  
118 location. Mr. Walters advised Council that included in the packet was a letter from the  
119 owner of KDE Electric concerning the driveway. Mr. Walters advised that it sounds like  
120 there is some sort of agreement and/or easement for use of the driveway on this property.  
121 The owner of KDE electric did not have a problem with the C.U.P. and the use, but he  
122 was concerned about the driveway. Mr. Walters advised him that he did not know what  
123 the agreement or easement says. He advised the owner of KDE Electric that he should  
124 speak with Ms. Terry regarding this issue. Mr. Walters advised that he has told Ms.  
125 Terry that before the Town will issue her a business license, she will need to install the  
126 required parking for the code based on the use that she is doing at that location. She  
127 planned to talk to the Commander of the American Legion again and see if they would  
128 agree to some shared use parking. Mr. Hughes asked if the question regarding the  
129 ownership of that driveway has been resolved. Mr. Walters explained that there is a forty  
130 foot right of way through that property going to the American Legion but it is still  
131 uncertain who owns it. According to the GIS system, the American Legion owns it. Ms.  
132 Terry advised that if she is unable to work something out with American Legion, she will  
133 build her own parking area for her property. Mr. Palmer advised that Ms. Terry and the  
134 American Legion just need to get together and come to an agreement. Mr. Ham asked if  
135 Town staff is satisfied that Ms. Terry has access to her property. Mr. Walters advised  
136 that he is. He stated that the owner of KDE electric stated that the letter says the  
137 driveway is for residential use and not commercial. Mr. Ham asked if it restricts it in that  
138 way. Mr. Walters remarked that he told the owner that until he knows what the easement  
139 actually says, there is nothing to indicate that the use must be for residential only. Mr.  
140 Ham stated that it may just be a question of maintenance. If the Town is satisfied that  
141 Ms. Terry has access to her property then Council may table this issue or move forward  
142 with it. Discussion ensued regarding whether Ms. Terry has access to her property and  
143 the parking issues she may have. Mr. Walters advised that even if Council approves the  
144 C.U.P., a business license will not be issued to Ms. Terry until the parking and driveway  
145 issues have been worked out. **Mr. Palmer made a motion to approve a Conditional**  
146 **Use Permit for Pamela Terry located at 204 East Old Cross Road. Mr. Bompiani**  
147 **seconded the motion which passed on the following 6-0 roll call vote:**

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**Mr. Hughes**                      **Aye**

**Mrs. Harkness**                      **Aye**

150

**Mr. Wymer**                      **Aye**

**Mr. Watkins**                      **Aye**

151

**Mr. Palmer**                      **Aye**

**Mr. Bompiani**                      **Aye**

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The next action item was the discussion and consideration of a letter of support for the Shenandoah Valley Battlefields Foundation. Mr. Walters explained that this is for 3 parcels of land that adjoin thirteen acres already owned by Shenandoah Valley Battlefields Foundation. The Battlefields Foundation is requesting that Council approve a letter of support for them to acquire land near the Quality Inn and behind White Tree Manor. Shenandoah Valley Battlefields Foundation has advised that they are in conversation with the owners of all three parcels but they do not have a signed contract for anything yet. They are asking for a letter of support from Council which would help them to get funding for the land. The land would be put into a conservation easement. Mr. Hughes asked if all of these lots are associated with their plans for a greenway. Mr. Walters answered in the affirmative. **Mr. Watkins made a motion to approve the letter of support for the Shenandoah Valley Battlefields Foundation. Mr. Hughes seconded the motion.** Mr. Palmer remarked that he had been speaking with Ms. Sarah Richardson in Richmond who works with these types of grants. She had advised that council should be provided with a copy of the conservation easement before they approve anything. They should know what the easement says because an easement doesn't have to necessarily be a 100% conservation easement. Mr. Palmer believes that council should not vote on this until they know what the easement says. He said Ms. Richardson advised him that once a conservation easement is put on a property it is very difficult to do anything with that property in the future. Mr. Palmer advised that he cannot support an easement without knowing what it says and which prevents development in the Town of New Market in the future.

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Mr. Wymer asked if these properties which are located right near the interstate have preservation easements put on them, does that mean they will be unable to be developed in the future.

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Mr. Ham advised that is exactly right. He said the Battlefields Foundation personnel would likely say that this type of trail will encourage business in other ways. But with respect to these properties, they will be unable to be developed. However, we do not know exactly what the easement says but with a state agency that is in the business of preserving things, it is likely to be pretty restrictive.

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Mr. Palmer advised that he would like to postpone an approval on this until at least the next meeting of council so that more information can be gathered regarding the preservation easements for these parcels.

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Mr. Hughes stated that the string of parcels that extend from the Crim house towards White Tree Manor is rough land and does not have much potential for development anyway. Mr. Hughes remarked that he is anxious to get the greenway trail started and Council's approval of this letter of support will bring this project further along. As soon as that greenway trail is complete, it creates an attraction for New Market.

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Mr. Palmer remarked that he does not believe this is the end to the Battlefields Foundation requesting letters of support from Council so they can continue to have preservation easements put on properties. He believes this is only the beginning. He remarked that he does like the idea of a trail but he does not want the property set with a preservation easement into perpetuity.

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197 Discussion ensued regarding where greenways were planned in the Town's  
198 Comprehensive Plan. Mr. Palmer advised that it was never planned to turn property over  
199 into perpetuity to a Foundation who has given no indication of how they plan to maintain  
200 or take care of the greenway trail.

201 Mr. Watkins asked if the letter of support is more than just a favorable gesture  
202 from the Town or if it carries more weight than that.

203 Mr. Ham advised that it probably carries more weight than that. The fact that  
204 they are asking for it probably means that they need to show whatever entity that they  
205 want to get money from that this is consistent with the Town's Comprehensive Plan and  
206 the best way to do that is with a letter of support. From the Town's perspective it is just a  
207 letter of support but from their perspective it probably carries more weight.

208 Mr. Walters advised that it is his understanding that without the letter of support  
209 they will not get the grant funding for the purchase. The people who are giving the  
210 financing will not want to go against the locality on that. Not giving a letter of support  
211 does not necessarily prevent the Battlefields Foundation from purchasing the property.  
212 The letter of support helps them to get the grant funding to purchase the property. Mr.  
213 Walters advised that the trail is a good thing however the Battlefield Foundation is in the  
214 business of preserving land. One of their missions is to preserve battlefield land. That  
215 needs to be taken into consideration by Council.

216 **Mr. Palmer made a motion to table this issue until the next meeting. Mr.**  
217 **Wymer seconded the motion. The motion failed on the following tied 3-3 roll call**  
218 **vote:**

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220	<b>Mr. Bompiani</b>	<b>Nay</b>	<b>Mr. Palmer</b>	<b>Aye</b>
221	<b>Mr. Watkins</b>	<b>Aye</b>	<b>Mr. Wymer</b>	<b>Aye</b>
222	<b>Mrs. Harkness</b>	<b>Nay</b>	<b>Mr. Hughes</b>	<b>Nay</b>

223

224 Mr. Ham advised that since the motion failed, Council must vote on the original  
225 motion which was to approve a letter of support for the Shenandoah Valley Battlefields  
226 Foundation. **The motion passed on the following 4-2 roll call vote:**

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228	<b>Mr. Hughes</b>	<b>Aye</b>	<b>Mrs. Harkness</b>	<b>Aye</b>
229	<b>Mr. Wymer</b>	<b>Nay</b>	<b>Mr. Watkins</b>	<b>Aye</b>
230	<b>Mr. Palmer</b>	<b>Nay</b>	<b>Mr. Bompiani</b>	<b>Aye</b>

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232 **Mayor's Comments:**

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234 There were no Mayor's comments.  
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236 **Council Comments:**

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238 Mr. Bompiani commented that he appreciated and acknowledged that council  
239 member's expressed their side on the previously mentioned action item.

240 Vice-Mayor Harkness commented that the Response Walk held in New Market  
241 was terrific. She stated that she has had many comments from citizens about how great  
242 the Christmas lights look in New Market. She thanked Town staff for their work on that.  
243 She also thanked the Public Works Department for their work on snow removal. She  
244 mentioned that the Shop Small and Tis the Season events were both very successful,  
245 despite the rain. She thanked everyone for their hard work on those events.

246 Mr. Hughes stated that the Town looks very nice and thanked Town staff for their  
247 work in making that happen. He commented that he is pleased that work on the pocket  
248 park is progressing. He congratulated Mrs. Smoot and the Chamber of Commerce on the  
249 events they have been planning and putting on in Town.

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251 **Staff Comments:**

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253 Mr. Walters gave a brief update on the trash issue at the café. He advised that  
254 they had spoken with a trash hauler last week and that hauler had advised them that they  
255 would not service a dumpster at that location since the site is not conducive to a  
256 dumpster. The property owner advised Mr. Walters that they are checking on other  
257 options. Mr. Walters advised that he would stay in contact with them to ensure they are  
258 working to resolve the issue.

259 Mr. Walters reminded everyone that the employee holiday lunch is scheduled for  
260 this Wednesday. All Town staff and council are invited to attend.

261 Mr. Walters stated that he knows some council members can't be there. He  
262 advised that he wants to say something that is for the audience and for those that can't be  
263 there on Wednesday. He stated that since staff will be at the lunch on Wednesday he will  
264 tell them this then also. Mr. Walters stated that the past thirteen months could not have  
265 gone any better for him. He appreciates all the help but more than that he appreciates the  
266 support. He stated that he knew that his job would be very difficult if he could not get  
267 some "buy-in" and support and he stated that he has gotten that. He stated that the Town  
268 has a wonderful staff. He remarked that when you bring somebody new in, it is a little  
269 scary for everyone. He stated that staff has worked hard; they do work hard; they have  
270 New Market's best interest in mind every day that they come to work. Mr. Walters  
271 remarked that the past thirteen months have been really good for him. He stated that he  
272 appreciates staff, council and the citizens. He said that if any members of council or  
273 staff can't be at the luncheon on Wednesday, he wanted to let everyone know that this  
274 evening. Mr. Walters remarked that good things are happening in New Market and Town  
275 staff and council are going to keep working hard. Staff is always thinking and coming  
276 up with ideas for the Town. Mr. Walters thanked staff, council and citizens and wished  
277 everyone a Merry Christmas.

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279 **Closed Meeting:**

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281 There were no closed meetings.

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283 **Adjournment:**

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285 **At 7:34 p.m. Mr. Palmer made a motion to adjourn the meeting. Mr.**  
286 **Bompiani seconded the motion which carried on a unanimous 6-0 voice vote.**


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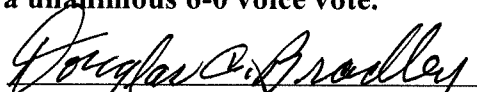
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J. Todd Walters, Town Clerk

  
Douglas Bradley, Mayor