Minutes of the New Market
Town Council Meeting
Monday, December 16, 2019
6:30 pm

The New Market Town Council met in the Council Chambers of the Arthur L. Hildreth, Jr. Municipal Building on Monday, December 16, 2019 with the following members present: Mayor Douglas Bradley, Peter Hughes, Scott Wymer, Daryl Watkins, Larry Bompiani and Peggy Harkness. Council Member Tim Palmer was absent.

Town Attorney — Jason Ham
Town Manager — J. Todd Walters
Administrative Assistant — Donna Lohr

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

Approval of the Agenda:

Mrs. Harkness made a motion to approve the agenda with one change. She moved to approve the agenda with the following amendment: Consideration of the Second Amendment Resolution. Mr. Wymer seconded the motion which passed on a unanimous 5-0 voice vote.

Consent Agenda:

Mr. Wymer moved to approve the consent agenda which included the minutes from the November 18, 2019 meeting of the New Market Town Council as well as the Financial Statements for November 2019. Mr. Hughes seconded the motion which carried on a unanimous 5-0 voice vote.

Public Hearing:

There were no Public Hearings.

Citizen Comments and Petitions:

The first citizen to speak was Mrs. Patricia Driver, President of the American Legion Auxiliary. Mrs. Driver requested permission from Council to put banners up displaying pictures of Veterans along the street poles. This would be no cost to the Town and the Auxiliary would take care of obtaining the banners. They are requesting that the Town put the banners up on Memorial Day and Veterans Day. They would like the Town to let the Auxiliary know when they take them down and the Auxiliary will clean them, dry them and return them to the Town for the next time they will be displayed. The cost of the banners will come from the Veterans’ families or the Veterans themselves. If the Auxiliary has more requests for banners then they have banner poles, they would have the banners printed on front and back sides. The Auxiliary will only charge the cost
of the banner to the family purchasing it. There would be no profit for the Auxiliary at all.

Mrs. Harkness asked what happens if a Veteran's family wants a banner but does not have the money to purchase it. Mrs. Driver advised they would take that on a case by case basis.

Mrs. Harkness asked Mr. Walters how this would affect staff.

Mr. Walters advised that he had told Mrs. Driver that she could make her request to Council at tonight's meeting and the item would be brought before Council for a vote at the January meeting. This would allow Mr. Walters time to discuss this item with the public works staff and determine the work involved with putting up and taking down the banners. Mr. Walters asked if the Auxiliary was expecting the banners to just be put up for the weekend or for the week.

Mrs. Driver advised that it would be up to the Town how long the banners should be left up.

Mr. Walters asked if these banners would be replacing the four Hero banners or if they would be in addition to those banners.

Mrs. Driver stated the Veterans banners would be put up in addition to the four Hero banners.

Dr. Bompiani asked if the banners would be sold on a first come, first serve basis, or if priority would be given to Veterans from the Town of New Market first.

Mrs. Driver stated that when the letters go out, they will send them to New Market residents first. She added that Veterans and their families do not get to designate on which pole a banner will go.

Mrs. Driver remarked that Edinburg charged $100 per banner but the Auxiliary would charge less if the cost of the banners ends up costing less per banner.

Mr. Walters advised Mrs. Driver that he would be in contact with her in the near future to gather some additional information and discuss the banners with her.

The next citizen to speak was Mr. Dennis Barlow of Tee Court, who has been a resident of New Market for the past seven years. He advised that he was at the meeting with two friends this evening to discuss the second amendment movement that is sweeping the state and how they feel it impacts the local community. Their purpose this evening is to discuss how it will impact the Town and their feelings regarding it and to tell Council members a little about the Resolution that was passed in Shenandoah County.

Mr. John Chroniger, 39 Greenview Lane, New Market was the next to speak. He gave some background information on the Second Amendment. He stated that when proposed, the second amendment was meant to be a way to deprive the federal government of having too much power and in shifting that power towards the individual state and its people to fight back against the tyrannical federal government. The battle now being fought is to keep our state government aware that its citizens will not tolerate overt laws that begin the race to limit their ability to keep and bear arms. This is enshrined within our own state constitution. For the first time the Supreme Court ruled that despite state laws, individuals who were not part of the state militia did have the right to bear arms. As part of its ruling, the second amendment protects the individual right to possess a firearm unconnected with service in a militia and to use that arm for a traditionally lawful purpose such as self-defense within the home. Supreme courts have ruled that the second amendment applies equally to the federal government and the states.

Mr. Chroniger cited several cases that support the premise that "all instruments that constitute bearable arms are protected under the second amendment". The constitution of
the Commonwealth of Virginia defines and limits the power of the state government and the basic rights of its citizens. The Virginia Constitution is supreme over Virginia laws and acts of government however, it may be superseded by the U.S. Constitution and federal law. Mr. Chroniger provided information on Virginia’s constitution. He commented that section 13 of article 1 governs arms. It states that the military is subordinate to civil power, that a well-trained militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state. Therefore the right of the people to bear arms shall not be infringed. It goes on to state that standing armies in time of peace should be avoided as dangerous to liberty and that in all cases the military should be under strict subordination to and governed by the civil power. The reasoning in the proposed amendment that Mr. Chroniger, Mr. Barlow, and Mr. Rogers are providing to Council this evening, is that the people of this state feel that no laws taking away their rights are valid unless they change Article 13. To make that change there are specific steps that must be taken to revise the state constitution. Any change must pass in both houses in two consecutive sessions of the legislature and then within 90 days be voted upon by the citizens. Until that step is taken and passed, we feel that this warning and expression of our values to the General Assembly is warranted.

Mr. Chroniger also remarked that he hopes Council will support the American Legion Ladies Auxiliary’s request to put up Veterans banners.

Mr. Bill Rogers, Periwinkle Lane, New Market was the next citizen to speak. He commented that the Christmas lighting on the streetlights downtown really make the Town look bright and cheerful.

Mr. Rogers remarked that he was in support of the second amendment sanctuary status for the County and to ask for Council’s support. He is deeply concerned about the potentially unconstitutional and irrational gun laws being introduced in Richmond. He believes we need to join many thousands of other Virginians to oppose them. Mr. Rogers discussed how these proposed laws might affect him personally as well as other citizens. He stated, “Lots of trained citizens with their own weapons could undoubtedly save many lives. We need the right to form citizen militia and to be able to protect our homes, families and communities when the police are not available. I urge the Council to pass a resolution in support of our rights and the second amendment. Thank you.”

Mr. Dennis Barlow was the last citizen to speak regarding new laws that are being introduced. Mr. Barlow stated that we should not wait until the bills are passed to find out what is in them before trying to short circuit them. He believes that it is more difficult to stop something after it is a law than before it becomes a law. His goal is a non-partisan effort to address the issue before it becomes a republican/democrat issue. He would like to drive the sides together with a bill that is a compromise and that makes some sense. Mr. Barlow gave some examples of some of the proposed bills he is hearing regarding gun laws. He also provided some details of his background, and military and professional experience. He mentioned that there is an estimate that as many as a million of our citizens across the state could be potential felons if the proposed laws are passed. He also remarked that the Governor’s plans for consequences for people who do not turn in weapons were unclear. He believes we need more promise and background from the Governor before these laws are passed. He also stated that he does not want to see the National Guard called out to enforce these proposed laws in our towns and counties. Mr. Barlow stated that the Shenandoah County Board of Supervisors has unanimously passed a resolution supporting the second amendment as a basic part of the bill of rights that needs to be protected. That resolution has also been passed by the Town of Strasburg. Mr. Barlow stated that he has written up the same one and will pass out copies of it to
Council. He urges that Council consider supporting the second amendment and the bill of rights as a key right of citizens. He believes that this movement is already having some effect in Richmond. Mr. Barlow thanked the Mayor and Council Members for their time and consideration.

Committee Reports:

There were no Committee Reports.

Staff Reports:

1. Planning & Public Works Department Monthly Report — Mr. J. Todd Walters

Mr. Walters gave a power point presentation highlighting projects from the Planning and Public Works Departments. Mr. Walters mentioned that a public hearing on the Short Term Rental Ordinance will be held on January 6, 2020. He also approved a zoning permit for 9373 North Congress Street for a change of use. Mr. Walters mentioned several projects on which the Public Works Departments had worked. A copy of Mr. Walter’s presentation is on file with the minutes.


Chief Rinker gave a brief power point presentation which included statistics for the department for the month of November. Chief Rinker mentioned several events that members of the New Market Police Department had worked. A copy of the information presented by Chief Rinker is on file with the minutes.


Mrs. Smoot gave a power point presentation. She mentioned several conferences she had attended, provided an update on New Market’s branding project, discussed the success of the Tis the Season event, and reminded everyone of upcoming events and projects. A copy of Mrs. Smoot’s presentation is on file with the minutes.

Action Items:

The first item on the agenda was the discussion and consideration of appointments to the Historic Overlay District Review Board. Mr. Walters advised that three appointments to the Historic Overlay District Review Board will expire at the end of the year. Those appointments include Mr. Walters’, Mr. Weissenborn’s, and Mr. Reinhart’s. It was stated in the information included in the packet that all three are willing to serve another term however, Mr. Reinhart had not responded yet to Mr. Walters’ inquiry about being reappointed. Mr. Walters called him today and he is out sick. Mr. Walters said that he did email Mr. Reinhart last week and he has not told Mr. Walters that he doesn’t want to serve. To that end, Mr. Walters recommends that Council reappoint all three gentleman to the Historic Overlay District Review Board. Mr. Hughes made a motion to reappoint Mr. Walters, Mr. Weissenborn, and Mr. Reinhart to the Historic Overlay District Review Board for a three year term, effective January 1, 2020. Mr.
Wymer seconded the motion which carried on the following unanimous 5-0 roll call vote:

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<td>Mr. Hughes</td>
<td>Aye</td>
<td>Dr. Bompiani</td>
<td>Aye</td>
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<td>Mr. Wymer</td>
<td>Aye</td>
<td>Mrs. Harkness</td>
<td>Aye</td>
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<td>Mr. Watkins</td>
<td>Aye</td>
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The next item on the agenda was the discussion and consideration of approving a Resolution regarding the second amendment. Mrs. Harkness made a motion to approve the following resolution: The Town of New Market resolves to support the Constitution of the United States and the Second Amendment as well as all other amendments to the Constitution. Mr. Wymer seconded the motion which passed on the following unanimous 5-0 roll call vote:

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<td>Mrs. Harkness</td>
<td>Aye</td>
<td>Mr. Wymer</td>
<td>Aye</td>
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<tr>
<td>Dr. Bompiani</td>
<td>Aye</td>
<td>Mr. Hughes</td>
<td>Aye</td>
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<tr>
<td>Mr. Watkins</td>
<td>Aye</td>
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Mayor’s Comments:

Mayor Bradley made the following comments:

- He remarked that the Town of New Market has an outstanding, hardworking staff.
- He thanked all the citizens that are making the Town look great for the holiday season.
- He thanked the Town Staff, Maintenance Employees, Fire Department Volunteers, the Police Department and the citizens of New Market for making the Town a great place in which to live and work.
- 2019 was a great year and he looks forward to 2020.
- He thanked all the guests that came out to tonight’s meeting.
- He wished everyone a very Merry Christmas and Happy New Year.

Council Comments:

Mr. Hughes remarked that the Town looks great for the season and complimented the staff for a job well done on the Christmas decorations. He commented that the Christmas lights in the pocket park look great and really go well with the other Christmas lights in Town. He appreciated the hard work by the Police Department last week in helping with a traffic accident in Town. He commented that he is optimistic that we will get something good from the on-going branding project.

Mrs. Harkness thanked the citizens who attended the meeting and spoke regarding the second amendment. They had done their research and presented the facts to Council and she appreciated that. She stated she is also pleased about the banner project that was presented by the American Legion Ladies Auxiliary at this evening’s meeting. She remarked that she is pleased with the turnout at this evening’s meeting and encourages everyone to continue to attend meetings.

Dr. Bompiani thanked Mr. Barlow, Mr. Chroniger, and Mr. Rogers for presenting the information they did at this evening’s meeting. Dr. Bompiani stated that he believes
that 99.9% of citizens out there are law abiding and it is a shame that we have to worry about the ones that are not. He believes that "us locking arms together" to say that we support our amendment is positive. Dr. Bompiani thanked Mrs. Driver for her Veterans banner project. He also commented that the Christmas streetlight decorations in Town look great and he is glad to be a part of the Town and Council.

Mr. Watkins commented that he appreciates what he sees happening with three properties that were in violation of the nuisance ordinance. Progress is being made to clean up and restore those properties and he appreciates that progress.

Staff Comments:

Mr. Walters mentioned the following items:

- A great job has been done by staff on the downtown Christmas lighting. He hopes to make it even better for next year.
- There will be a public hearing January 6, 2020.
- There will likely be a work session in February to discuss a few items such as the Town’s requests to VDOT regarding traffic concerns.
- The employee holiday lunch is scheduled for Wednesday at noon. All Council members are invited.
- He advised that White Tree Manor, the home on Route 11 north, is officially closed. All the residents were transferred sometime this past weekend. Mr. Walters advised that the Town had nothing to do with that closing. The owner closed and that was his choice. Some comments had been posted that the Town was responsible for closing the business. That is untrue. Mr. Walters remarked that it is bad news that White Tree Manor closed but it is good news that the residents have all been transferred to new homes.
- Thanks to Town Council and Staff for their work in 2019. It was a good year and he is looking forward to 2020. There are many new projects on which to work.
- Mr. Walters thanked Veterans for their service. He remarked that they are not thanked enough for their service. We are able to live the way we live because of things that Veterans have done in the past.
- Merry Christmas and Happy New Year to everyone!

Closed Meeting:

No Closed Meetings scheduled.

Adjournment:

At 7:35 p.m. Mr. Watkins made a motion to adjourn the meeting. Mr. Hughes seconded the motion which carried on a unanimous 5-0 voice vote.

Douglas Bradley, Mayor

J. Todd Walters, Town Clerk