The New Market Town Council met via a GoTo.com telephone meeting and a
YouTube Live Broadcast on Tuesday, March 31, 2020 with the following members
present via phone: Mayor Douglas Bradley, Peggy Harkness, Tim Palmer, Daryl
Watkins, Larry Bompiani, Scott Wymer and Peter Hughes. Also present via phone was
Town Attorney Jason Ham.

Present in the Town Office were the following staff:

Town Manager — J. Todd Walters
Town Treasurer — Teresa Green
Chief of Police — Chris Rinker
Administrative Assistant— Donna Lohr

Mayor Bradley called the meeting to order and then asked each member to
respond that they were present via phone when he called their name. He then established
a quorum with all members present via phone.

Action Items:

The first action item on the agenda was the discussion and consideration of
Ordinance #108: An Ordinance Assuring Continuity in the Government of the Town of
New Market, Virginia. Mr. Walters asked Mr. Ham to offer explanation. Mr. Ham
mentioned that FOIA requires that meetings be open unless they can be closed for
specific reasons. FOIA also provides that the public has a right to be present at meetings
and it provides that a quorum of members must be established. Due to the COVID-19
that is currently going around, those rules are being broken. Virginia Code Section 14-13
allows that emergency procedures can be adopted to ensure the continuity of government
during the presence of a disaster. Mr. Ham stated that he had drafted this ordinance for
several counties as well as the Town of New Market. This Ordinance allows the Town to
conduct all of its business electronically once the continuity of government ordinance is
passed. This Ordinance also allows for it to be adopted at an electronic meeting. The
Ordinance allows not just the Town Council, but also other boards and committees to
meet through electronic communication. It does provide that the Town will still provide
to the public the FOIA notice so that they can know when the meetings are and the Town
will try to broadcast them live, as the Town is doing at this evening’s meeting. The
Town will solicit public comment via email or cell phone. Since tonight’s meeting is a
special meeting, public comment is not on the agenda. With no further comments, Mrs.
Harkness made a motion to adopt Ordinance #108: An Ordinance Assuring
Continuity in the Government of the Town of New Market, as presented. Mr.
Hughes seconded the motion. The motion carried on the following 6-0 unanimous
roll call vote:

Mr. Hughes Aye
Mr. Watkins Aye
Mr. Wymer Aye
Dr. Bompiani Aye
Mr. Palmer Aye
Mrs. Harkness Aye

Mr. Ham commented that this is an unprecedented situation. He mentioned that Mr. Walters had asked him if the Town of New Market needed to pass an ordinance declaring a local emergency. Mr. Ham advised that the Town of New Market is covered by Shenandoah County and the Town does not need to pass an emergency declaration. However, Mr. Walters mentioned that there is a statute that provides that the Town needs to appoint a coordinator of emergency management. Mr. Walters checked with the County Administrator and they were not aware of the Town ever doing that. Mr. Ham advised that Council can unanimously vote to amend the agenda to allow for the addition of an action item for the appointment of an emergency management coordinator. Mr. Hughes made a motion to amend the agenda to include an action item for the appointment of an emergency management coordinator. Mr. Palmer seconded the motion which carried on the following 6-0 unanimous roll call vote:

Mrs. Harkness Aye
Dr. Bompiani Aye
Mr. Watkins Aye
Mr. Palmer Aye
Mr. Wymer Aye
Mr. Hughes Aye

Mr. Ham recommended that council make the following motion as their next action item: Mr. Todd Walters be made the appointment as the coordinator of emergency management pursuant to Code of Virginia §44-146.19, subsection B3. Mr. Hughes made a motion to appoint Mr. Todd Walters as the coordinator of emergency management pursuant to Code of Virginia §44-146.19, subsection B3. Mrs. Harkness seconded the motion which passed on the following 6-0 unanimous roll call vote:

Mr. Hughes Aye
Mr. Wymer Aye
Mr. Palmer Aye
Mr. Watkins Aye
Dr. Bompiani Aye
Mrs. Harkness Aye

The next action item was the discussion and consideration of waiving fees and penalties. Mr. Walters mentioned that he would like to get some idea of what information council would like staff to present to them at the April 20th council meeting regarding fees that could possibly be waived as a help to the citizens. Mr. Ham mentioned that there are certain things that Council can and can’t do when it comes to waiving fees. Council is not able to forgive taxes that have already been levied. They can only move forward. They can eliminate or waive fees without having a public hearing and without public notice. They can vote on it at a Council meeting.

Mr. Hughes asked if Mr. Walters could provide background information on this. He asked if other localities are doing this and if this has ever been done historically. Mr. Ham mentioned that all of his clients are considering this but no one has taken action yet. Mr. Walters mentioned that there are no proposed tax increases in the upcoming budget. The only increase proposed is for the garbage fee which is a service fee, not a tax. Council members discussed delaying penalties and interest for certain taxes and the effects of that for citizens as well as the Town. Mr. Walters advised that if late fees were waived for real estate and personal property tax, it is possible that some people would just not pay because they know there would be no penalty to them. This tax is a big tax that is
collected right at the end of the fiscal year and if the Town is not able to collect those
taxes, it will greatly affect the Town.

Council members debated whether or not the Town can afford to make a good
faith gesture to citizens and possibly waive late fees on some taxes for citizens. Factors
affecting the Town’s revenues include a probable reduction in meals tax and transient
occupancy tax over the next several months. It is difficult to forecast how much revenue
will be lost due to the loss of business at the local restaurants and hotels in Town.

Mr. Walters advised Council that Town staff would try to prepare some estimated
projections on meals and transient occupancy taxes and have them ready to be presented
to Council at the April 20th Council meeting so that Council can have as much
information as possible before making a decision on whether or not they wish to waive
any fees. Mr. Walters advised that staff would also provide Council with some scenarios
on what they could do and how it would affect Town revenues.

Council members mentioned that some other factors to consider in waiving late
fees, particularly water and sewer fees, might include whether or not citizens are
habitually late and how much certain citizens are already in arrears. Also to be
considered is how long late fees should be waived. Council members debated time
frames for waiving fees and agreed to discuss the issue again at the April 20th, 2020
Council meeting.

Adjournment:

At 5:10 p.m. Mr. Hughes made a motion to adjourn the meeting. Dr.
Bompiani seconded the motion which carried on a unanimous 6-0 voice vote.

Douglas Bradley, Mayor

J. Todd Walters, Town Clerk