

1 **Minutes of the New Market**  
2 **Special Called**  
3 **Town Council Meeting**  
4 **Tuesday, March 31, 2020**  
5 **4:30 pm**  
6

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

12 Present in the Town Office were the following staff:

- 13  
14 Town Manager – J. Todd Walters  
15 Town Treasurer – Teresa Green  
16 Chief of Police – Chris Rinker  
17 Administrative Assistant – Donna Lohr  
18

19 Mayor Bradley called the meeting to order and then asked each member to  
20 respond that they were present via phone when he called their name. He then established  
21 a quorum with all members present via phone.  
22

23 **Action Items:**  
24

25 The first action item on the agenda was the discussion and consideration of  
26 Ordinance #108: An Ordinance Assuring Continuity in the Government of the Town of  
27 New Market, Virginia. Mr. Walters asked Mr. Ham to offer explanation. Mr. Ham  
28 mentioned that FOIA requires that meetings be open unless they can be closed for  
29 specific reasons. FOIA also provides that the public has a right to be present at meetings  
30 and it provides that a quorum of members must be established. Due to the COVID-19  
31 that is currently going around, those rules are being broken. Virginia Code Section 14-13  
32 allows that emergency procedures can be adopted to ensure the continuity of government  
33 during the presence of a disaster. Mr. Ham stated that he had drafted this ordinance for  
34 several counties as well as the Town of New Market. This Ordinance allows the Town to  
35 conduct all of its business electronically once the continuity of government ordinance is  
36 passed. This Ordinance also allows for it to be adopted at an electronic meeting. The  
37 Ordinance allows not just the Town Council, but also other boards and committees to  
38 meet through electronic communication. It does provide that the Town will still provide  
39 to the public the FOIA notice so that they can know when the meetings are and the Town  
40 will try to broadcast them live, as the Town is doing at this evening's meeting. The  
41 Town will solicit public comment via email or cell phone. Since tonight's meeting is a  
42 special meeting, public comment is not on the agenda. With no further comments, **Mrs.**  
43 **Harkness made a motion to adopt Ordinance #108: An Ordinance Assuring**  
44 **Continuity in the Government of the Town of New Market, as presented. Mr.**  
45 **Hughes seconded the motion. The motion carried on the following 6-0 unanimous**  
46 **roll call vote:**  
47

48 Mr. Hughes	Aye	Mr. Watkins	Aye
49 Mr. Wymer	Aye	Dr. Bompiani	Aye

50                    **Mr. Palmer**                    **Aye**    **Mrs. Harkness**                    **Aye**  
51

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

64  
65    **Mrs. Harkness**                    **Aye**    **Mr. Palmer**                    **Aye**  
66    **Dr. Bompiani**                    **Aye**    **Mr. Wymer**                    **Aye**  
67    **Mr. Watkins**                    **Aye**    **Mr. Hughes**                    **Aye**  
68

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

76  
77    **Mr. Hughes**                    **Aye**    **Mr. Watkins**                    **Aye**  
78    **Mr. Wymer**                    **Aye**    **Dr. Bompiani**                    **Aye**  
79    **Mr. Palmer**                    **Aye**    **Mrs. Harkness**                    **Aye**  
80

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

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

98 collected right at the end of the fiscal year and if the Town is not able to collect those  
99 taxes, it will greatly affect the Town.

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

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

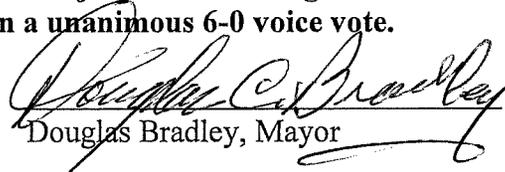
111 Council members mentioned that some other factors to consider in waiving late  
112 fees, particularly water and sewer fees, might include whether or not citizens are  
113 habitually late and how much certain citizens are already in arrears. Also to be  
114 considered is how long late fees should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

117  
118 **Adjournment:**

119  
120 **At 5:10 p.m. Mr. Hughes made a motion to adjourn the meeting. Dr.**  
121 **Bompiani seconded the motion which carried on a unanimous 6-0 voice vote.**

122  
123  
124 

125  
126 J. Todd Walters, Town Clerk

  
Douglas Bradley, Mayor