

1 **Minutes of the New Market**
2 **Town Council Meeting**
3 **Monday, March 16, 2020**
4 **6:30 pm**
5

6 The New Market Town Council met in the Council Chambers of the Arthur L.
7 Hildreth, Jr. Municipal Building on Monday, March 16, 2020 with the following
8 members present: Vice-Mayor Peggy Harkness, Peter Hughes, Tim Palmer, Scott
9 Wymer, Daryl Watkins, and Larry Bompiani. Mayor Douglas Bradley was absent.

10
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 six members present. The Pledge of Allegiance was recited in unison. Vice-Mayor
17 Harkness welcomed all visitors and guests.
18

19 **Approval of the Agenda:**

20
21 **Mr. Palmer made a motion to approve the agenda. Mr. Hughes seconded**
22 **the motion which passed on a unanimous 6-0 voice vote.**
23

24 **Consent Agenda:**

25
26 **Mr. Hughes moved to approve the consent agenda which included the**
27 **minutes from the February 18, 2020 meeting of the New Market Town Council, the**
28 **minutes from the March 2, 2020 Special Called Meeting of the New Market Town**
29 **Council as well as the Financial Statements for February 2020. Mr. Wymer**
30 **seconded the motion which carried on a unanimous 6-0 voice vote.**
31

32 **Public Hearing:**

33
34 There were no Public Hearings.
35

36 **Citizen Comments and Petitions:**
37

38 Mr. L. Miguel Wells, Project Manager addressed Town Council, regarding a
39 Special Use Permit application for an out-of-town business venture located in the Town
40 of New Market's growth plan. Mr. Miguel referenced a letter that Council had in front of
41 them at the meeting. A copy of the letter is on file with the packet. He stated that the
42 letter describes some concessions and clarifications that had been made to their original
43 application for a Special Use Permit. He remarked that if they were to have rodeo events,
44 they would provide security and trained medical personnel. All rodeo events would end
45 by 10:00 p.m. The maximum amount of people allowed would be reduced and the
46 number of parking spots would be reduced to 133. The rodeo events would only be held
47 at a maximum of ten months per year with no more than two events being held per
48 month. Livestock would be limited to seventeen animals per event and they would be
49 allowed to stay two consecutive days on the premises. These clarifications regarding the

50 rodeo events were based on comments from the different departments and citizens that
51 provided comments at the County Planning Commission Meeting.

52 Mr. Wells advised that in an attempt to address the concerns of citizens and other
53 departments, they are willing to take the rodeo completely out of the Special Use Permit
54 and just request that the permit be for a wedding and special events venue only. The
55 venue would then be utilized for up to a maximum of 250 guests and 90 parking spots.

56 Mr. Wells answered several questions from council members regarding size of
57 tents, available parking, and number of animals.

58 Mr. Wells advised that if Council members are not open to a rodeo as a possible
59 event to be held at the venue, then they would take that off the table completely and the
60 venue would be for wedding and other special events only and there would be no animals
61 at the site.

62 Council members voiced their concerns over lights, traffic and noise for a special
63 events venue that would be located in a quiet residential neighborhood. Council
64 members remarked that they had hoped that Mr. Lopez' property would be a housing
65 development.

66 Mr. Wells mentioned that Mr. Lopez had considered a housing development on
67 that land but due to constraints from the County with how many houses he could build
68 there, they had discarded that as an option.

69 Ms. Liz Gum, representing the Chamber of Commerce, was the next citizen to
70 speak. She announced that the Chamber is postponing their banquet.

71 The next citizen to speak was Mr. Sonny Mongold, Shady Lane, New Market, Va.
72 He remarked that Council should declare a "state of emergency" for the Town of New
73 Market due to the Coronavirus. Mr. Mongold believes that by declaring a state of
74 emergency, New Market may then be entitled to some funding if it becomes available.

75 After some discussion, Mr. Jason Ham advised that he would find out what it
76 would entail to declare a "state of emergency" and what the County is planning to do
77 regarding this issue. He believes that any funding would flow through the County, but if
78 New Market wishes to declare a "state of emergency", that would be fine, but he did not
79 believe it would make any difference legally.

80 Under advisement from Mr. Walters, Council members agreed to wait until Mr.
81 Ham provides additional information. If it is determined that the Town needs to declare a
82 "state of emergency", Council members can hold a Special Meeting to do so.

83

84 **Committee Reports:**

85

86 There were no Committee Reports.

87

88 **Staff Reports:**

89

90 Due to the outbreak of the coronavirus and in the interest of limiting exposure,
91 there were no staff reports this month in an effort to shorten the duration of the meeting.

92

93 **Action Items:**

94

95 The first item on the agenda was the discussion and consideration of a
96 Conditional Use Permit (C.U.P.) request for 197 E. Lee Highway, by For Ventures/F.
97 Douglas French (Community Care and Learning Center, LLC, lessee). Mr. Walters
98 advised that this is a follow-up to the joint public hearing that was held earlier in the

99 month. This is for an expansion to the daycare. 197 E. Lee Highway is the eastern end
 100 of the building. With the expansion, the daycare facility will be able to take infants.
 101 They would move the older children into the space at 197 E. Lee Highway and use their
 102 current location for infants. The Planning Commission did recommend approval of the
 103 C.U.P. at their meeting on March 2, 2020 following the joint public hearing. **Mr.**
 104 **Hughes made a motion to approve the Conditional Use Permit request for 197 E.**
 105 **Lee Highway, by For Ventures/F. Douglas French (Community Care and learning**
 106 **Center, LLC, lessee). Mr. Palmer seconded the motion which carried on the**
 107 **following unanimous 6-0 roll call vote:**

108				
109	Mr. Hughes	Aye	Mrs. Harkness	Aye
110	Mr. Wymer	Aye	Dr. Bompiani	Aye
111	Mr. Palmer	Aye	Mr. Watkins	Aye
112				

113 The next item on the agenda was the discussion and consideration of refunding
 114 the C.U.P. application fee to the community Care and Learning Center, for 197 E. Lee
 115 Highway. Mr. Walters stated that during the March 2, 2020 meeting of the Planning
 116 Commission, a motion was made to recommend to Council that the \$500 application fee
 117 be refunded to the Community Care and Learning Center, LLC for 197 E. Lee Highway.
 118 Mr. Walters reminded Council that there are costs associated with the C.U.P. requests.
 119 There is staff time involved as well as other costs. Mr. Hughes asked if it would be
 120 possible to determine an actual cost for the C.U.P. request based on work done by staff
 121 members. Discussion ensued regarding how Mr. Walters will go about acquiring that
 122 information as well as why Planning Commission members made this recommendation to
 123 Council. Mr. Ham remarked that Council would be making a charitable donation to the
 124 non-profit organization rather than refunding the money for the C.U.P. application fee.
 125 Mr. Ham noted that if anyone wishes to make a motion, then it should be for Council to
 126 make a donation to the non-profit. Mr. Walters mentioned that the Town has received
 127 \$5,000 for administering the grant for the daycare center. **Mr. Hughes made a motion**
 128 **to table this action item until next month. Dr. Bompiani seconded the motion which**
 129 **passed on the following unanimous 6-0 roll call vote:**

130				
131	Mr. Watkins	Aye	Mr. Palmer	Aye
132	Dr. Bompiani	Aye	Mr. Wymer	Aye
133	Mrs. Harkness	Aye	Mr. Hughes	Aye
134				

135 The next item on the agenda was the discussion and consideration of Resolution
 136 #236, A Reimbursement resolution of the Town of New Market, Virginia regarding
 137 upgrades to the Town's water supply system. Mr. Walters advised that this allows the
 138 Town to be refunded for any funds that are spent prior to the Town receiving a loan for
 139 upgrades to the Town's water supply system. Mr. Ham mentioned this would be worth
 140 having "on the books" for the water supply project. **Mr. Palmer made a motion to**
 141 **approve Resolution #236, A Reimbursement resolution of the Town of New Market,**
 142 **Virginia regarding upgrades to the Town's water supply system. Mr. Hughes**
 143 **seconded the motion which passed on the following unanimous 6-0 roll call vote:**

144				
145	Mr. Hughes	Aye	Mrs. Harkness	Aye
146	Mr. Wymer	Aye	Dr. Bompiani	Aye
147	Mr. Palmer	Aye	Mr. Watkins	Aye

148

149 The last item on the agenda was the discussion and consideration of a revised request
150 pertaining to an out-of-town business venture for a rodeo and wedding venue located in
151 the Town of New Market's growth plan. Mr. Walters mentioned that he and Mrs.
152 Harkness had attended the County Planning Commission meeting several weeks ago and
153 at that meeting Mr. Wells had presented changes to the Special Use Permit. In addition,
154 Mr. Wells had discussed those changes with Mr. Walters and Mrs. Harkness. Mr.
155 Walters asked Council to determine if, with those changes, they wish to change their
156 position at all, or do they wish to send a new letter to the County, or change their original
157 letter in any way. The Shenandoah County Planning Commission still recommended
158 denial of the request, even with the changes proposed by Mr. Wells at the meeting. This
159 will go to the Board of Supervisors and will be on their schedule for their meeting on
160 March 24, 2020. Dr. Bompiani asked Mr. Ham if the Council needs to make another
161 statement or send another letter stating their position on the Special Use Permit request, if
162 their position has not changed from what was stated in the original letter. Mr. Ham
163 advised that the Council doesn't need to do anything, but if they want their position to be
164 made known, then it would be a good idea to make some written statement to the County.
165 Mr. Walters advised that he will attend the Board of Supervisors meeting.

166 Mr. Watkins stated that he didn't believe the lights and noise from a wedding
167 venue would be any worse than the lights and noise that occur during the summer at
168 Rebel Park baseball field, which is surrounded by houses. Mr. Watkins advised that the
169 events would be in a tent which would likely minimize the lighting issue.

170 Mrs. Harkness remarked that her concern is for the growth of our Town. There
171 are only certain areas where the Town can grow. The area where the wedding venue is
172 being proposed is one of the areas in the Town's growth plan that is designated for
173 residential growth. Mrs. Harkness advised that she would like to see housing or even
174 small businesses developed in this area. She believes this should be the use for the land.

175 Dr. Bompiani stated that he is still comfortable with the letter of denial that
176 Council originally sent. He stated that the Town wants to grow and he hopes that the
177 Town could work with Mr. Lopez to help him develop his land residentially.

178 Mr. Ham advised that the property could be annexed into the Town and the Town
179 could provide water and sewer services to the property. He would recommend to Council
180 that they have a pre-annexation agreement with the developer to clarify that they would
181 pay for the water and sewer lines.

182 Mrs. Harkness stated that she would be more agreeable to that.

183 Mr. Walters remarked that he is not sure how many houses could be built on that
184 land, but he did not believe that it could only be one house per ten acres if that land was
185 annexed by the Town.

186 Mr. Wymer stated that there has been minimal growth in the Town for many
187 years. He remarked that this is something new and different that might bring in people to
188 the community. In addition, a wedding venue might generate catering business for a
189 local restaurant. It might bring people in who would stop to get gas, or possibly eat at a
190 restaurant in the area. Mr. Wymer understand the concerns but he believes something
191 different would be good for New Market.

192 Mr. Walters explained that the decision for this Special Use Permit request is up
193 to Shenandoah County, however they are interested in knowing the Town of New
194 Market's position on this issue since the land is located in the Town's growth area.

195 With no further discussion, **Dr. Bompiani made a motion that the Town**
196 **Council is still opposed to the request for a Special Use Permit even with the**

197 **removal of the rodeo and other changes that were presented at this evening's**
198 **meeting. Mrs. Harkness seconded the motion.** Mr. Hughes commented that he
199 appreciates the efforts made by Mr. Lopez and Mr. Wells to make this request work. He
200 just believes that the use is inappropriate for this location and property. Mr. Hughes
201 remarked that they should consider developing the property with a housing development
202 and Town Council would likely be more amenable to the request. Council members
203 thanked Mr. Lopez and Mr. Wells for coming to the meeting and presenting their changes
204 at this evening's meeting.

205 **With no further discussion the motion carried on the following 4-2 roll call**
206 **vote:**

208	Mr. Watkins	Nay	Mr. Palmer	Aye
209	Dr. Bompiani	Aye	Mr. Wymer	Nay
210	Mrs. Harkness	Aye	Mr. Hughes	Aye

211
212 **Mayor's Comments:**

213
214 Mayor Bradley was not present at the meeting.

215
216 **Council Comments:**

217
218 Mrs. Harkness encouraged everyone to follow the CDC recommendations to take
219 care of themselves during this time.

220
221 **Staff Comments:**

222
223 Mr. Walters mentioned that the Easter Egg Hunt and the Arbor Day Celebration
224 are cancelled.

225 The Volunteer Appreciation breakfast will be postponed.

226 A notice has been posted on the Town's website regarding the Coronavirus.

227 The Town is encouraging citizens not to come in to the Town Office but to
228 conduct business over the phone or utilize the drop box.

229 The Town is not currently closing the office but if the office is shut to the public
230 in the future, staff members will still be at work.

231 The coronavirus will likely affect the budget. Restaurant business is down which
232 affects meals tax and that in turn will affect Town revenues. If that happens, and there is
233 a large shortfall, it is possible the Town may need to utilize reserves in order to pay the
234 bills.

235 Town staff will step up cleaning the restrooms at the park in an effort to help keep
236 people safe.

237 A budget work session is scheduled for the first week in April. Mr. Walters is not
238 going to cancel that meeting yet. Mr. Ham is looking into the possibility of having a
239 policy where two members can call in for meetings. A quorum must still be present but
240 two people could call in rather than attend the meeting.

241
242 **Closed Meeting:**

243
244 No Closed Meetings scheduled.

245

246 **Adjournment:**

247

248 **At 7:45 p.m. Mr. Hughes made a motion to adjourn the meeting. Mr.**

249 **Watkins seconded the motion which carried on a unanimous 6-0 voice vote.**

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251

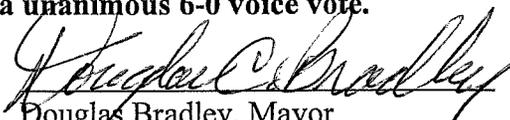
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J. Todd Walters, Town Clerk


Douglas Bradley, Mayor