

1 **Minutes of the New Market**
2 **Town Council Meeting**
3 **Monday, April 19, 2021**
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, April 19, 2021 with the following members
8 present: Mayor Larry Bompiani, Vice-Mayor Peggy Harkness, Scott Wymer, Bob King,
9 Daryl Watkins and Janice Hannah. Council Member Doug 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 Mayor Bompiani called the meeting to order and established a quorum with five
16 members present. The Pledge of Allegiance was recited in unison. Mayor Bompiani
17 welcomed all visitors and guests.
18

19 **Approval of the Agenda:**
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21 **Mr. Wymer made a motion to approve the agenda as presented. Mr. King**
22 **seconded the motion which passed on a unanimous 5-0 voice vote.**
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24 **Consent Agenda:**
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26 **Mr. Wymer moved to approve the Consent Agenda which included the**
27 **minutes from the March 15, 2021 meeting of the Town Council, the April 5, 2021**
28 **minutes from the Special Called Town Council Meeting, and the Financial**
29 **Statements for March 2021. Mr. King seconded the motion which carried on a**
30 **unanimous 5-0 voice vote.**
31

32 **Public Hearing:**
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34 There were no public hearings scheduled.
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36 **Citizen Comments and Petitions:**
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38 There were no comments from the public emailed to Mr. Walters prior to this
39 meeting. There were no citizens present at the meeting who wished to make public
40 comments.

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

44 **Staff Reports:**
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46 **1. Planning and Public Works Department Monthly Report – Mr. J. Todd**
47 **Walters**

48 Mr. Walters gave a brief power point presentation which included updates on
49 planning and zoning items, and updates on projects on which the public works

50 department and water department had worked. Mr. Walters mentioned that several zoning
51 permits had been approved since the last council meeting. Ms. Rupkey and Mr. Walters
52 had also worked with the town attorney on the noise ordinance as well as begun work on
53 other ordinance additions. Mr. Walters then mentioned several projects on which the
54 public works department had worked. Projects included tree trimming on Congress
55 Street, tree removal in the park, replacement planting of those trees, street sweeping,
56 landscaping and mulching throughout Town, and public pool preparation. The Water
57 Department had continued work on the plan for the Lead and Copper testing, worked
58 with Public Works Department on leak determination on East Old Cross Road, regular
59 monthly testing, valve replacement and meter reading. A copy of Mr. Walter's
60 presentation is on file with the minutes.

61
62 **2. Public Safety Monthly Report – Chief Chris Rinker**

63 Chief Rinker distributed his monthly report to Council members. Chief Rinker
64 gave a brief update on the calls for service for March. Chief Rinker mentioned that he
65 had visited the 3-4 year old class at the Community Care & Learning Center where he
66 spoke about safety. A copy of Chief Rinker's report is on file with the minutes.

67
68 **3. Events & Marketing Annual Report – Mrs. Amber Smoot**

69 Mrs. Smoot gave a brief power point presentation in which she mentioned the
70 new text alert services available to citizens of New Market. The system has been a great
71 addition to the Town's communication system with its citizens. Mrs. Smoot mentioned
72 the Restaurant Bingo that was available for citizens during the past week. Mrs. Smoot
73 mentioned that Volunteer Appreciation Week is currently going on as well. She also
74 mentioned that Arbor Day is coming up on April 24th, 2021. Activities will be held in the
75 Town Park. A copy of Mrs. Smoot's presentation is on file with the minutes.

76
77 **Action Items:**

78
79 The first Action Item was the discussion and consideration of Resolution #238, A
80 Resolution to support the acquisition and conversion of out-of-service railroad right-of-
81 way to a trail for alternative transportation and recreation. Mayor Bompiani read aloud
82 Resolution #238 which was included with the packet. Mr. Walters advised that the
83 resolution is from a template sent to Mr. Walters from Mr. Hindman. The resolution has
84 been changed a bit since the trail will not actually go through the town limits of New
85 Market. Mr. Walters advised that this resolution does not commit the Town to anything
86 financially for this project. This is just a statement of support for the trail and the
87 feasibility study. Mr. Walters explained that this project will likely take a good amount
88 of time to reach completion. Mr. Ham advised that both Warren County and Shenandoah
89 County have already passed similar resolutions to this one. It does not commit the Town
90 to anything financially. He advised that this does not mean that in the future the Town
91 won't be asked for funds for this project, but this resolution does not commit the Town to
92 anything financially. Council members discussed paragraph six and possibly removing
93 the wording "including New Market" since the trail will not actually connect New
94 Market to the other communities as it does not run through the Town. **Mrs. Harkness**
95 **made a motion to approve Resolution #238, A resolution to support the acquisition**
96 **and conversion of out-of-service railroad right-of-way to a trail for alternative**
97 **transportation and recreation, with an amendment to the resolution to exclude the**

98 words “including New Market” in paragraph six. Mrs. Hannah seconded the
99 motion which carried on the following unanimous 5-0 roll call vote:

100				
101	Mr. Wymer	Aye	Mrs. Harkness	Aye
102	Mrs. Hannah	Aye	Mr. King	Aye
103	Mr. Watkins	Aye		
104				

105 The next action item on the agenda was the discussion and consideration of
106 Ordinance #114, an Ordinance Amending Certain Provisions of the Town Code of the
107 Town of New Market, Virginia relating to Noise. Mr. Walters stated that Chief Rinker
108 and Sergeant Smoot had some concerns regarding the Town’s Noise Ordinance which
109 they discussed with Mr. Walters. Mr. Walters asked the Town Attorney to review the
110 Noise Ordinance and determine if it met with State Code and if anything in it needed to
111 be changed. Mr. Walters stated that this was brought on by one location that the officers
112 constantly receive calls about in relation to the Town’s noise ordinance. Mr. Walters
113 advised that the changes may not help the police department too much but the changes do
114 clarify some things. Mr. Ham stated that the big legal difference in the new version of
115 the noise ordinance versus the old version is that it used to say “excessive noise means
116 any sound which annoys or disturbs humans or which causes or lends to cause an adverse
117 psychological or physiological effect on humans”. Mr. Ham stated that is a very
118 subjective standard. The City of Virginia Beach got sued over that. A police officer
119 standing there has a lot more judgement at that point, more than the United States
120 Constitution allows. The laws that police officers are to enforce are supposed to be clear
121 and not open to subjective judgement. And that is where Virginia Beach got in trouble.
122 So, what has been done to change the Town’s Ordinance is to describe in section 26-29
123 what excessive noise is. It includes a pretty comprehensive list but Mr. Ham advised that
124 number thirteen was added which discusses the outside operation of sound amplifying
125 equipment. Mr. Ham mentioned that also added were exemptions number 8 and 17 under
126 section 26-30. A copy of the noise ordinance with the noted changes was included in the
127 packet. **Mr. Wymer made a motion to accept Ordinance #114, an Ordinance**
128 **Amending Certain Provisions of the Town Code of the Town of New Market,**
129 **Virginia relating to noise. Mr. King seconded the motion which passed on the**
130 **following 5-0 unanimous roll call vote:**

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132	Mr. King	Aye	Mrs. Hannah	Aye
133	Mrs. Harkness	Aye	Mr. Wymer	Aye
134	Mr. Watkins	Aye		
135				

136 The final action item was the discussion and consideration of a budget
137 amendment – Budget amendment #3. Mr. Walters advised that in the last month several
138 utility issues have become apparent within the Town. Mr. Walters referred to a map
139 indicating West Lee Street and where the water and sewer lines run on this street. The
140 first issue is a sewer issue located on West Lee Street. There have been multiple sewer
141 backups in the past several months on this line. This line is a four inch Orangeburg pipe
142 that feeds four houses on this street. The size and type of the pipe are the source of the
143 problem. In addition the line is failing. Town Public Works crews have been up at this
144 location multiple times in the past few weeks draining the line until work can be
145 completed to replace the line. In addition to the sewer line issue in this area, the
146 galvanized water line that runs right next to the sewer line also needs to be replaced. Mr.

147 Walters advised that the Town's Public Works Crews do not have time to do the work
148 here. It would take at least several weeks in order for them to complete the work. The
149 alternative is to hire a contractor. Mr. Walters has several quotes from various
150 contractors for this project. The estimated cost for the project is \$56,000. Mr. Walters
151 advised that this is a lot of money, but it's a difficult project. Mr. Walters mentioned that
152 the estimate could change somewhat if the contractor encounters rock when he begins to
153 dig. The reason for the budget amendment is because the funds are not budgeted for this
154 project and the way the Town's Code reads right now, Mr. Walters does not have the
155 authority to just approve the project.

156 Mr. Walters mentioned that additionally there is a water leak on East Old Cross
157 Road on a two inch line that runs across East Old Cross Road. Mr. Walters stated that
158 there was concern about the Town's Public Works Crews working on this water line, due
159 to the time constraint and the fact that the road would have to be dug up. Mr. Walters
160 advised that he has also received several quotes from contractors to do this project. Mr.
161 Walters explained that the water line is roughly seven or eight feet deep at this location
162 and it will have to cross both a sewer force main and a gravity sewer line on the opposite
163 side. There is not much room between both sides of the road. The dig would need to be
164 eight feet deep which requires a trench box. The Town's trench box is too big for this
165 project. Mr. Walters stated that what he would like to do is bring in a contractor. Town
166 crews will help set up the road, but the contractor would take care of the repair.
167 However, the contractor will actually tap the main and run a new two inch line across the
168 road. They will not repair the old line. This is estimated to be about an \$11,000 project.
169 Mr. Walters is asking to amend the budget in the amount of \$75,000 on the water/sewer
170 side so that these repairs can be done. The water leak is currently costing the town
171 money, because it is leaking. The sewer line issue is also costing the Town money in
172 manual labor because Town crews are constantly going to the site to open and drain the
173 line. Mr. Walters advised that if this budget amendment is passed this evening, he will
174 get in contact with the contractor immediately to see when they can do these projects.
175 The contractor would start with the water leak on East Old Cross Road and then move to
176 the project on West Lee Street. Mr. Walters advised that the Town will contact the
177 people living on West Lee Street and notify them of the pending work once we know
178 when that work will be done because the work will disrupt their front yards and their
179 driveways as well. Right now, Mr. Walters believes it will be the same contractor doing
180 both projects. Mr. Walters mentioned that State Code allows the Town to do a budget
181 amendment without a public hearing as long as it is 1 percent or less of the total
182 expenditures. **Mrs. Harkness made a motion to amend the budget by \$75,000 to**
183 **address the water/sewer fund. Mr. Wymer seconded the motion which passed on**
184 **the following 5-0 unanimous roll call vote:**

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186	Mr. Wymer	Aye	Mrs. Harkness	Aye
187	Mrs. Hannah	Aye	Mr. King	Aye
188	Mr. Watkins	Aye		

189

190 **Mayor's Comments:**

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192 Mayor Bompiani thanked Council Members for their consideration in trying to
193 find a date for an upcoming Work Session. He appreciates their willingness to spend
194 time on this. Mayor Bompiani mentioned that Council Member Bradley is still having
195 some health issues and requested that everyone keep him in their thoughts and prayers.

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Council Comments:

Mr. King asked Mr. Walters if any of the stimulus money will be available in the near future. Mr. Walters stated that even though we normally pass the budget in May, if we feel like that money is going to show up before the end of June, the Town may want to wait to pass the budget until June. Mr. Walters advised that it is expected that half of the funds would be received within the next 90 days, but the other half could take up to as much as twelve months before the Town receives that. Right now, the Town is supposed to receive two million, fifty thousand dollars total.

Staff Comments:


Mr. Walters mentioned that the first budget meeting is scheduled for tomorrow at 5:00 p.m.

Closed Meeting:

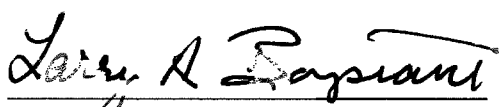
No Closed Meetings were scheduled.

Adjournment:

With no further business to discuss, at 7:29 p.m. Mr. Wymer made a motion to adjourn the meeting. Mr. King seconded the motion which carried on a unanimous 5-0 voice vote.



J. Todd Walters, Town Clerk



Larry Bompiani, Mayor