

1 **Minutes of the New Market**
2 **Town Council Meeting**
3 **Monday, March 20, 2023**
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 20, 2023 with the following
8 members present: Mayor Larry Bompiani, Vice-Mayor Peggy Harkness, Scott Wymer,
9 Janice Hannah, and Peter Hughes. Council Members Scott Wymer and Daryl Watkins
10 were absent.

11
12 Town Attorney – Jason Ham
13 Town Manager – Buster Nicholson
14 Town Treasurer – Teresa Green
15 Administrative Assistant – Donna Lohr
16

17 Mayor Bompiani called the meeting to order and established a quorum with four
18 members present. The Pledge of Allegiance was recited in unison. Mayor Bompiani
19 welcomed all visitors and guests.
20

21 **Approval of the Agenda:**
22

23 **Mr. Hughes made a motion to approve the agenda as presented with an**
24 **amendment to include Action Item #3, discussion on the annexation meeting on**
25 **March 9, 2023 that was held by The Commission on Local Government. Mr.**
26 **Wymer seconded the motion which passed on the following 4-0 unanimous roll call**
27 **vote:**
28

29	Mr. Wymer	Aye	Mrs. Harkness	Aye
30	Mrs. Hannah	Aye		
31	Mr. Hughes	Aye		

32

33 **Consent Agenda:**
34

35 **Mrs. Harkness moved to approve the Consent Agenda which included the**
36 **minutes from the February 21, 2023 Meeting of the New Market Town Council, the**
37 **minutes from the March 6, 2023, Special Called Meeting of the New Market Town**
38 **Council, and the Financial Statements for February 2023. Mr. Hughes seconded the**
39 **motion which carried on a unanimous 6-0 voice vote.**
40

41 **Public Hearing:**
42

43 No public hearings were scheduled.
44

45 **Citizen Comments and Petitions:**
46

47 Mr. Jeff Mongold, of the New Market Volunteer Fire & Rescue Department, gave
48 a brief PowerPoint presentation summarizing the statistics of call volume for the
49 department for the month of February 2023. A total of 145 calls were handled, with 86 of

50 those calls handled within New Market. Mr. Mongold showed pictures from February
51 Events and Calls. Events included the Virginia Fire and Rescue Conference as well as a
52 fundraiser held at the Fire Department for a Broadway High School Scholarship fund.
53 The Fire Department is hoping to have a Citizens Appreciation day in April to provide
54 citizens a chance to tour the facility, see the equipment, and ask questions. Pictures of
55 the new Tower Ladder 23 which is now in service were included in the presentation. A
56 copy of the Fire & Rescue Department’s presentation is on file with the minutes.

57

58 There were no comments emailed from the public to the Town Manager.

59

60 **Committee Reports:**

61

62 There were no committee reports.

63

64 **Staff Reports:**

65

66 **1. Public Works Department Monthly Report – Mr. J. D. Fadley**

67 Mr. Fadley gave a power point presentation summarizing the projects on which
68 his department had worked over the past month. The Maintenance Department repaired a
69 water leak on a lateral on Clark Street. There were no sewer backups to report for the
70 month of February. The Water Line project on Fairway Drive is now complete. The
71 Maintenance Department assisted New Market/Mt. Jackson Little League in getting the
72 baseball field ready at the community park. The Water Department rebuilt a pump at
73 North Fork Pump Station, replaced a Mag Flow meter on CMF #1 at the Water Plant,
74 performed maintenance on Wellheads, handled a surprise DEQ inspection and passed
75 with no action required by the Town, continued work on a DEQ permit application, and
76 passed a VDH inspection with no action required. The Town is now one of only a few
77 water plants on a 3-year inspection cycle with the VDH. Daniel Dellinger, Water
78 Operator, and Gary Biller, Maintenance Laborer recently passed a Pool Operator
79 Certification Class. A copy of Mr. Fadley’s report is on file with the minutes.

80

81 **2. Planning Department Monthly Report – Buster Nicholson**

82 Mr. Nicholson stated that a sign permit had been approved for the Shenvalee.
83 They are updating their existing sign to a digital sign. The dimensions of the sign will
84 remain the same as the previous one. The Food Truck Ordinance public hearing will be
85 scheduled for the first Monday in May.

86

87 **3. Public Safety Monthly Report – Chief Chris Rinker**

88 Chief Rinker gave a Power point presentation highlighting the statistics for the
89 month of February 2023. Chief Rinker mentioned that he had attended a Family Youth
90 Initiative meeting at JCC, was guest speaker at the Strasburg Rotary meeting, assisted
91 with “CIT Train the Trainer” course at Frederick County Sheriff’s office, and officer
92 Eastep met with representatives from Shenandoah Valley Academy to discuss the 2023
93 Hispanic Camp meeting scheduled for June 2023. Chief Rinker also mentioned some
94 notable events that he and Benelli had attended. A copy of Chief Rinker’s report is on
95 file with the minutes.

96

97 **4. Events & Marketing Monthly Report – Mrs. Amber Smoot**

98 Mrs. Smoot gave a power point presentation summarizing her current projects and
99 upcoming events. Upcoming events include an Easter Egg Hunt on April 1st, and
100 Jammin' Foods Fest scheduled for May 20, 2023. Mrs. Smoot has created a new packet
101 for sponsorship opportunities. She has received good feedback from sponsors and
102 vendors regarding the packets. Other projects include hosting a Rails to Trails
103 Community Input Meeting at the New Market Community Center on March 2, 2023,
104 working on creating more business communications and promoting awareness of and
105 participation in the Merchants Committee. Mrs. Smoot continued work on Wayfinding
106 signage, the Our Town Enhancement committee, volunteer recruitment, and website
107 development. A copy of Mrs. Smoot's power point presentation is on file with the
108 minutes.

109

110 **Action Items:**

111

112 The first action item on the agenda was the discussion and consideration of a
113 Conditional Use Permit for 9377 North Congress Street. Mayor Bompiani stated that Mr.
114 Alvin Henry and Jon Henry have applied for a Conditional Use Permit to add cooler
115 storage to the property as well as build a greenhouse/pavilion on the property.

116 **Mr. Hughes made a motion to approve the Conditional Use Permit for 9377**
117 **North Congress Street. Mrs. Harkness seconded the motion which passed on the**
118 **following unanimous 4-0 roll call vote:**

119

120	Mrs. Harkness	Aye	Mr. Wymer	Aye
121	Mr. Hughes	Aye		
122	Mrs. Hannah	Aye		

123

124 The second item on the agenda was the discussion and consideration of an
125 appointment to the Historic Overlay District Review Board.

126 **Mr. Hughes made a motion to appoint Mr. Jon Henry to the Historic**
127 **Overlay District Review Board. Mrs. Hannah seconded the motion which passed on**
128 **the following unanimous 4-0 roll call vote:**

129

130	Mr. Wymer	Aye	Mrs. Harkness	Aye
131	Mrs. Hannah	Aye		
132	Mr. Hughes	Aye		

133

134 The third item on the agenda was a discussion of how to proceed with public
135 education on the Amendment to the Voluntary Settlement Agreement with Shenandoah
136 County. Mr. Hughes expressed his thanks to Mrs. Lohr, the Mayor, and Todd Walters for
137 helping him with this project. This project was fairly complex, dating back to an
138 agreement made in 2012. After reviewing documents, it was determined that there was a
139 map that was put together between Shenandoah County and the Town of New Market
140 outlining areas that the Town could annex in the future. By connecting that to the
141 Comprehensive Plan, it was discovered that in some of those areas, there are limitations
142 to development due to density and zoning. Mr. Hughes stated that the specific language
143 called for no more than one house per two acres with a certain portion dedicated to land
144 conservation. Mr. Hughes remarked that it is a nice concept, but there hasn't been a
145 home built there. Those properties will require water, sewer, roads and other
146 infrastructure in order for them to be developed and the limitations set forth become an

147 issue for developers. This whole process was triggered by a developer that inquired
148 about the property located off of Clicks Lane. His first interest was in a different parcel
149 but he changed his interest to Clicks Lane. Mr. Walters then looked into the rules on land
150 development in that area and discovered the agreement and Mr. Ham helped the Town
151 interpret the agreement. What was found was that in order for the Town to modify the
152 Voluntary Settlement Agreement in any way, the Town must go back through the process
153 that was used to get it approved in 2012. That process includes the Town and
154 Shenandoah County agreeing and then it is taken to a group of judges at the State level
155 who also approved it. That was the 2012 process and the 2023 process is the same,
156 meaning it must go back through the same groups. Mr. Hughes explained that the
157 meeting held last week was a step in that process. The Commission on Local
158 Government who held the hearing last week, heard comment from the County, the Town,
159 and Citizens. This group will make a recommendation to the three judge panel as the
160 next step in the process. Mr. Hughes explained this in the session with the Commission
161 on Local Government. He described the conditions in New Market in 2012 and the
162 conditions in New Market now, in 2023. Those conditions have really changed in terms
163 of the population, average age of citizens, and the number of new residents. Mr. Hughes
164 then provided some data and examples of how the conditions have changed. There is
165 currently a need for homes for sale in New Market. There is need for some development.
166 The developer inquiring about the land on Clicks Lane has proposed three hundred
167 homes on the 100 acre parcel. Mr. Hughes advised that he does not know if that is how
168 many homes would end up being built, but New Market does need homes for sale.
169 Determining the number of homes that the developer can build is a zoning issue and
170 would be addressed at a later time.

171 Mr. Hughes explained that the purpose and narrow focus of the March 9th meeting, held
172 by The Commission on Local Government, really had to do with the annexation
173 agreement. It had nothing to do with zoning. Once the annexation agreement is passed,
174 if the Town gets the recommendation, and the judges agree, then at that point the Town
175 will consider the process of zoning that property. At that point, the density will be
176 decided upon. Mr. Hughes believes that if the Town leaves the property at two acres per
177 parcel with a substantial amount left for conservation, then the interest in development on
178 that parcel will be the same as it has been for the last twelve years, which is no interest at
179 all. Mr. Hughes remarked that he had asked if he could present his findings to the public
180 at the public hearing on the evening of March 9th in addition to the afternoon session
181 where he presented the information to the Commission on Local Government. He was
182 told that the evening session was strictly for the public input. The result was that
183 comments at the evening session were about the zoning of the parcel. Mr. Hughes
184 expressed that is the reason for the discussion at this evening's meeting.

185 Mayor Bompiani remarked that at the public hearing there was a lot of
186 misunderstanding on behalf of the public concerning the process of amending the
187 Voluntary Settlement Agreement. The Town laid out their information at the 2:00
188 meeting on March 9th to the Commission on Local Government, but the Town was not
189 given the opportunity to explain the information to the public so they would understand
190 the proceedings before they were able to speak. Therefore, many of the speakers at the
191 public hearing during the evening were speaking without the knowledge that was
192 presented at the 2:00 meeting. Mayor Bompiani remarked that the discussion at this
193 evening's meeting is to determine the best course of action to educate the citizens on the
194 process and help them understand what is happening with the Amendment to the
195 Voluntary Settlement Agreement. If the Agreement goes through the complete process,

196 then the Town will begin looking at options for rezoning. At that point, the Town will
197 also seek input from the citizens through public hearings and Town meetings. There
198 have been rumors and misconceptions that low income housing or a subsidized housing
199 development was planned for that parcel. This is the reason for the discussion this
200 evening, to determine the best way to educate the public.

201 Mrs. Harkness commented that there is no plan. The builder has not developed a
202 plan. The Town Council has not seen a plan, nor does Council know how many houses
203 will fit on that land. VDOT has not seen a plan for development. There is currently no
204 plan for that parcel.

205 Mrs. Hannah remarked that Town Council has been working on the Voluntary
206 Settlement Agreement Amendment for quite some time, and there has been very little
207 community involvement up until this point. Mrs. Hannah stated that it is encouraging to
208 see so many members of the public at this evening's meeting. She remarked that it
209 matters what the public thinks and Town Council welcomes input from the public. But
210 when discussions are counterproductive as they were at the March 9th Meeting of the
211 Commission on Local Government, and the focus is on "what ifs" rather than what is
212 actually happening, then the discussion is a waste of time for everyone. Mrs. Hannah
213 encouraged the public to stay involved with the process and to attend meetings and stay
214 informed.

215 Mr. Ham commented that the March 9, 2023 Meeting was the Commission on
216 Local Government's Public Hearing to listen to the public. The Town still needs to hold
217 its own public hearing to listen to the public. That will come after the Commission on
218 Local Government's recommendation for the Town to move forward with this agreement
219 or a potentially amended agreement. There must be, statutorily, at least, one public
220 hearing held by the Town of New Market.

221 Mr. Hughes mentioned that one of the issues is that the community is aging. The
222 median age of the New Market community is 54. The Town needs to encourage younger
223 people to live here. A second issue that needs to be solved is that there are no homes
224 available for young families to move into. Conversations will be had down the line with
225 the Police Department and Fire & Rescue Department to determine what services will
226 need to be increased. But, this process is at a very early stage. Mr. Hughes stated that he
227 does encourage citizen input throughout the process.

228 Mayor Bompiani stated that in his monthly Mayor's Corner article in the Town's
229 newsletter, he has tried to mention some of these topics. He will continue to do that and
230 he encourages citizens to read the newsletter. He welcomes any return questions from
231 the citizens. His email and phone number are listed on the Town's website. He
232 encourages citizens to get the facts on issues before commenting. Mayor Bompiani
233 remarked that he had talked to Mr. Josh Stephens, the Town's representative on the
234 Board of Supervisors, and Mr. Stephens is for growth in the projected areas that have
235 already been agreed upon by the Town and Shenandoah County. The Town is just asking
236 for more latitude on the density of that property. The Town is not trying to take away
237 any additional farmland from the County. Mr. Stephens also wanted to make it clear that
238 if it is 300 additional homes proposed on that parcel, he is not sure he would go for that.
239 Mayor Bompiani stated that he is not sure that he or Council would go for that either.
240 Council is trying to find a solution that meets both the Town's needs and the peoples'
241 concerns. Council will work on behalf of the citizens.

242 Mr. Hughes remarked that the newsletter is available to both Town citizens and
243 non-citizens via the website or by mail.

244 Mrs. Hannah remarked that many of the people present at this evening's meeting
245 had been living in Town when Pleasant View and Fairway Manor subdivisions were
246 built. They can now see the benefits of those subdivisions being built. It is becoming
247 necessary that Council find ways for housing to become available in Town. She
248 reiterated that citizens need to stay informed, ask questions, and reach out to Council
249 members.

250

251 **Mayor's Comments:**

252

253 Mayor Bompiani read aloud a Proclamation establishing April 2023 as National
254 Autism Awareness Month. A copy of the proclamation is included with the packet.

255 Mayor Bompiani thanked Vice-Mayor Harkness for filling in for him the last few
256 meetings.

257

258 **Council Comments:**

259

260 Mr. Hughes mentioned that the Public Works Department did a great job on the
261 water line project on Shenvalee Drive. It was not only neatly done, but the guys worked
262 very hard on that project.

263 Mr. Hughes thanked Mrs. Lohr and Mr. Ham for their help on his presentation to
264 the Commission on Local Government.

265

266 **Staff Comments:**

267

268 There were no comments from staff.

269

270 **Closed Meeting:** No Closed Meetings.

271

272 **Adjournment:**

273

274 **With no further business to discuss, at 7:24 p.m. Mr. Hughes made a motion**
275 **to adjourn the meeting. Mr. Wymer seconded the motion which carried on a**
276 **unanimous 4-0 voice vote.**


277

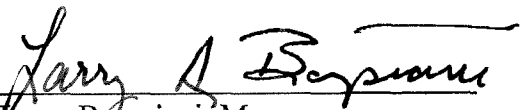
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Buster Nicholson, Town Clerk


Larry Bompiani, Mayor