



Town Council Minutes
39 W. Main Street

November 9, 2017 – 7:00 p.m.

The regular meeting of the Mayor and Council of the Town of New Market was held on Thursday, November 9, 2017 in the Town Hall, 39 West Main Street, New Market, MD with Mayor Winslow Burhans presiding. Members of the Council present were Shane Rossman, Mike Davies, Scott Robertson, Jake Romanell and Dennis Kimble.

CALL TO ORDER: The meeting was called to order at 7:00p.m.

Mayor Burhans informed everyone following the conclusion of the General Session, there will be an Executive Session meeting under the Open Meetings Act Law §3-305(b)(7) to consult with legal counsel.

APPROVAL OF MINUTES:

September 14, 2017

Decision: Councilman Romanell made a motion to approve the minutes as written.

Second: Councilman Davies

Discussion: None

Vote: For – 5 (*Rossman, Davies, Robertson, Romanell, Kimble*) *Against – 0, Abstain – 0, Absent – 0*

The motion passed

October 12, 2017

Decision: Councilman Robertson made a motion to approve the minutes as written.

Second: Councilman Kimble

Discussion: None

Vote: For – 3 (*Robertson, Romanell, Kimble*) *Against – 0, Abstain – 2 (Rossman, Davies) Absent – 0*

The motion passed

Mayor & Liaison Reports:

Mayor Burhans reported that the Special Events committee has asked that the Mayor and Council march in the Christmas Parade on Saturday, December 2, 2017 and carry the banner.

Councilman Rossman:

Councilman Rossman gave a Streetscape update and said that there is a new person in charge with SHA and they seem to be getting some things finalized. The new trees, and sod have now been replaced. Empire Landscaping has trimmed around the cabinet at the West end of town. The eye was facing backwards into the woods which was keeping the streetlights on all the time. That has been fixed and turned around so now with the trimming of the trees and some landscaping, it's opened up the area around the cabinet to allow the lights to come on and off at the appropriate times. There are some drainage issues still to be addressed. There are inventory items available for the businesses in town for "Shop Local" that can be picked up to display for November 25, 2017 Shop Local day.

Councilman Robertson:

Councilman Robertson reported that he has received an estimate on replacing the burned out light bulbs at the Community Park and is going to get a couple more estimates and then make a decision based on the best estimate.

Councilman Romanell:

Councilman Romanell reported that the Frederick Chapter MML dinner will be on Wednesday, December 6, 2017 at the Delaplaine Art Center at 6:00 pm. If anyone interested in going please let him know.

Councilman Kimble:

Councilman Kimble reported that at the last Planning and Zoning they recommended the Wilson Annexation Resolution # 2017-04 and the Wilson Zoning Text Amendment Ordinance # 2017-04 to the Town Council for approval.

New Business:

1. New Market United Methodist Church – Back to Bethlehem – Pastor Scott
Pastor Scott presented to the Mayor and Council the map for the "Back to Bethlehem" walking event to be held on Saturday, December 2, 2017 at 4:00pm and 5:00pm. The walk will start at Milo's parking lot, going down North Alley and end at the New Market United Methodist Church.

Decision: Councilman Romanell made a motion to approve the application as submitted for the Back to Bethlehem walk.

Second: Councilman Robertson

Discussion: None

Public Comment: Councilman Rossman

Vote: For – 5 (Rossman, Davies, Robertson, Romanell, Kimble) Against – 0, Abstain – 0 Absent – 0

The motion passed



2. Board of Appeals Re-Appointment – Scot Morrow / Term Ending Dec. 2020

Decision: Councilman Romanell made a motion to re-appoint Scot Morrow to the Board of Appeals with a term ending December 2020.

Second: Councilman Davies

Discussion: None

Public Comment: None

Vote: For – 5 (Rossman, Davies, Robertson, Romanell, Kimble) *Against – 0, Abstain – 0 Absent – 0*
The motion passed

3. Wilson Annexation Petition - Resolution # 2017-04 / Set Public Hearing
Pat Faux presented the Wilson Annexation Petition Resolution #2017-04 to the Mayor and Council and asked that the public hearing be set for December 19, 2017. The copies of the annexation petition and plan will be sent to the State and County planning departments for their 30-day review.

Annexation Plan:

Decision: Councilman Romanell made a motion to adopt the Annexation Plan and send it out for the 30-day review.

Second: Councilman Kimble

Discussion: None

Public Comment: None

Vote: For – 5 (Rossman, Davies, Robertson, Romanell, Kimble) *Against – 0, Abstain – 0 Absent – 0*
The motion passed

4. Wilson Zoning Text Amendment – Ordinance # 2017-04

Mayor Burhans introduced the Wilson Zoning Text Amendment, Ordinance #2017-04 amending the Land Development Ordinance of New Market, amendment of the agricultural zoning district and related regulations.

Decision: Councilman Romanell made a motion to introduce Ordinance #2017-04.

Second: Councilman Kimble

Discussion: None

Public Comment: Tony Burk – Mt. Airy Messenger

Vote: For – 5 (Rossman, Davies, Robertson, Romanell, Kimble) *Against – 0, Abstain – 0 Absent – 0*
The motion passed

The Mayor and Council set the public hearing for the December meeting. The regular scheduled meeting is on December 14, 2017; however, they decided to post pone the regular scheduled meeting until Tuesday, December 19, 2017 to allow the proper time to advertise for the public hearing.



Public Comment: None

Executive Session:

Decision: Councilman Davies made a motion to close the general session and go into executive session to consult with legal counsel under the open meeting act law §3-305(b)(7).

Second: Councilman Romanell

Public Comment: None

Discussion: None

Vote: For – 5 (*Rossman, Davies, Robertson, Romanell, Kimble*) *Against – 0, Abstain – 0*
Absent – 0

The motion passed

Decision: Councilman Romanell made a motion to close the executive session at 8:45pm.

Second: Councilman Robertson

Public Comment: None

Discussion: None

Vote: For – 5 (*Rossman, Davies, Robertson, Romanell, Kimble*) *Against – 0, Abstain – 0*
Absent – 0

The motion passed

Respectfully submitted,

Karen Durbin
Clerk to Council



**WRITTEN STATEMENT FOR CLOSING A MEETING
UNDER THE OPEN MEETINGS ACT**

Date: 11/9/17 Time: 7:33pm Location: Town Hall Motion to close meeting made by: Romanel
Seconded by: Robertson Members voting in favor: Rossman, Davies, Robertson, Romanel
Opposed: Ø Abstaining: Ø Absent: Ø Kimble

STATUTORY AUTHORITY TO CLOSE SESSION, General Provisions Article, §3-305(b) (check all that apply):

- ☐ (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- ☐ (2) To protect the privacy or reputation of individuals concerning a matter not related to public business;
- ☐ (3) To consider the acquisition of real property for a public purpose and matters directly related thereto;
- ☐ (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- ☐ (5) To consider the investment of public funds;
- ☐ (6) To consider the marketing of public securities;
- ☒ (7) To consult with counsel to obtain legal advice on a legal matter;
- ☐ (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
- ☐ (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- ☐ (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
- ☐ (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- ☐ (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- ☐ (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- ☐ (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

FOR EACH CITATION CHECKED ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED:

§3-305(b) ☒ _____

§3-305(b) ☐ _____

§3-305(b) ☐ _____

This statement is made by Mayor Winslow Buchanan, Presiding Officer: _____
SIGNATURE

WORKSHEET FOR USE IN CLOSED SESSION (CHECKLIST OF DISCLOSURES TO BE MADE IN MINUTES OF NEXT REGULAR MEETING- NOT A PART OF THE CLOSING STATEMENT)

PERSONS ATTENDING CLOSED SESSION: Mayor, Rossman, Davies, Robertson, Romanel

TOPICS ACTUALLY DISCUSSED: Kimble + William Wante

ACTION(S) TAKEN (IF ANY) AND RECORDED VOTES: _____

TIME CLOSED SESSION ADJOURNED: 8:45 pm.

PLACE OF CLOSED SESSION: Town Hall 39 W. Main St.

PURPOSE OF CLOSED SESSION: _____

STATUTORY AUTHORITY FOR THE CLOSED SESSION: §3-305(b) () ; () ; () _____

MEMBERS WHO VOTED TO CLOSE: _____