



Town Council Minutes
39 W. Main Street

December 19, 2017 – 7:00 p.m.

The regular meeting of the Mayor and Council of the Town of New Market was held on Tuesday, December 19, 2017 in the Town Hall, 39 West Main Street, New Market, MD with Mayor Winslow Burhans presiding. Members of the Council present were Mike Davies, Scott Robertson, and Jake Romanell. Shane Rossman and Dennis Kimble were absent. The Town Planner Pat Faux and the Town Attorney Bill Wantz were present.

CALL TO ORDER: The meeting was called to order at 7:01p.m.

APPROVAL OF MINUTES:

November 9, 2017

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

Second: Councilman Davies

Discussion: None

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

Mayor & Liaison Reports:

Mayor Burhans asked for approval from the Council to send out Certificates of Appreciation to the New Market Events Committee members. The council approved.

Councilman Davies:

Councilman Davies discussed holding a year end dinner for all the town boards, Mayor & Council, Planning and Zoning, HDC/ARC, Board of Appeals and Board of Election and suggested having the dinner sometime in February. He will get more information on the cost/location and how many members would be interested in attending and report back at the January meeting.

Councilman Robertson:

Councilman Robertson reported there are two lights in the Community Park that are missing the housing units and he will get those ordered and installed.

Councilman Romanell:

Councilman Romanell reported that the green team has a new chairman and vice chair for the upcoming year. The Chairman will now be Ms. Jennifer Runkles and Mr. David Mott will be the Vice-chair. The Green team meetings will now be held on the second Monday and the fourth Thursday of the month.

Public Hearing: Zoning Text Amendment – Ordinance # 2017-04

Town Planner Pat Faux gave an overview of the Zoning Text Amendment. The text amendment will amend the current agricultural zone to broaden the definitions and to include winery and brewery's in the uses to be more consistent with the zone that the county has for agricultural and to accommodate agri-tourism.

Mayor Burhans opened the public hearing. The public hearing was advertised in the Frederick News post on November 26, 2017 and on December 3, 2017.

Public Comment: There were no public comments.

Mayor Burhans closed the public hearing.

Zoning Text Amendment - Ordinance #2017-04

Decision: Councilman Robertson made a motion to adopt Ordinance #2017-04.

Second: Councilman Romanell

Discussion: None

Public Comment: Bill Wantz said the effective date should be in 10 days.

Vote: For – 3 (Davies, Robertson, Romanell) Against – 0, Abstain – 0,

Absent – 2 (Rossman, Kimble)

The motion passed

Public Hearing: Wilson Annexation Petition – Resolution # 2017-04

Town Attorney, Bill Wantz gave an overview of the Wilson Annexation Petition – Resolution #2017-04. It's described by meets and bounds and exhibit to the proposed resolution. The zoning has been modified agricultural district the land area annexed is 137.47 acres and is contiguous to the town and subject to annexation agreement which insures the maintenance of agricultural preservation easements on the property for consent by town required for a termination of modification. The annexing petitioner will pay all the expenses. The procedure for the hearing will be that any state or local planning agencies will be given first opportunity to address council followed by public comment.

Mayor Burhans opened the public hearing. The public hearing was advertised in the Frederick News post on November 12, 19, 26, 2017 and on December 3, 2017. Comments were received from Frederick County Division of Planning and also from the Maryland Department of Planning.

Public Comment from State or Local Agencies: There were no public comments.

Public Comment:

- Tony Chmelik



Mayor Burhans closed the public hearing.

Wilson Annexation Plan:

Decision: Councilman Romanell made a motion to adopt the Annexation Plan.

Second: Councilman Davies

Discussion: None

Public Comment: None

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

The motion passed

Mayor Burhans reported that comments were received from Charles Boyd with the Maryland Department of Planning on December 8, 2017 and from Steve Horn with Frederick County Division of Planning on December 13, 2017.

Wilson Annexation Agreement:

Decision: Councilman Davies made a motion to adopt the annexation agreement and approve for Mayor Burhans signature.

Second: Councilman Robertson

Discussion: None

Public Comment: None

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

The motion passed

Wilson Annexation Resolution 2017-04

Decision: Councilman Romanell made a motion to adopt the Wilson Annexation Resolution # 2017-04 with an effective date in 45 days.

Second: Councilman Robertson

Discussion: None

Public Comment: None

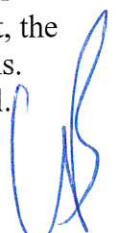
Vote: For – 3 (Davies, Robertson, Romanell) **Against – 0, Abstain – 0,**
Absent – 2 (Rossman, Kimble)

The motion passed

New Business:

1. Royal Oaks Flood Plain – Ordinance #2017-06

Pat Faux gave an overview of the requirements for updating the request from Royal Oaks subdivision to entertain a map amendment to the flood plain that FEMA had developed in 2009. FEMA reviewed and approved their map amendment and issued the town a letter saying with the map amendment, the town needs to update the flood plain Ordinance to follow the latest regulations. The planning commission has reviewed it and has recommended for approval.



There needs to be a public hearing scheduled and adopted by March 2018 in order for the map to be affective. The public hearing will be scheduled for Thursday, January 11, 2018.

Decision: Councilman Romanell made a motion to introduce Royal Oaks Flood Plain Ordinance #2017-06

Second: Councilman Davies

Discussion: None

Public Comment: None

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

The motion passed

2. Introduce Forest Conservation Ordinance # 2017-05

Jen Kasperek with Wilson T. Ballard introduced the Forest Conservation Ordinance # 2017-05. The planning commission has reviewed the ordinance and has recommended for approval. The public hearing will be set for Thursday, January 11, 2018.

Decision: Councilman Romanell made a motion to introduce the Forest Conservation Ordinance #2017-05.

Second: Councilman Davies

Discussion: None

Public Comment: None

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

The motion passed

3. Boyers Mill Road Southern Section SWM Authorization / Lot West of Post Office

Mayor Burhans and Pat Faux would like to know if the council would like them to consider talking with the county about the SWM pond to be placed on the parcel the town owns west of the post office, and let the county know if the town wants to proceed with the negotiations.

Decision: Councilman Robertson made a motion to allow Mayor Burhans to enter into negotiations with the County on behalf of the town with final approval to come back to the council for consideration and vote in open session.

Second: Councilman Davies

Discussion: None

Public Comment:

- Jason Simmerman – 10909 Old National Pike
- Howard Wilson – Baldwin Road

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

The motion passed



4. NMES 5K Run – Kimberly Schaffer
The NMES fun run will be on Saturday, April 208, 2018.

Decision: Councilman Davies made a motion to approve the permit application as submitted for the 5K run.

Second: Councilman Robertson

Discussion: None

Public Comment:

- Jen Runkles – 64 W. Main St.

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

The motion passed

5. 40 S. Alley Furniture

The furniture quote has been revised and finalized and needs a budget amendment increase for the amount of \$138.00. A 50% deposit will be placed to hold the pricing.

Decision: Councilman Robertson made a motion to pay the 50% deposit and increase the Municipal Building Furniture line item by \$138.00, coming out of the appropriated reserve.

Second: Councilman Romanell

Discussion: None

Public Comment: None

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

The motion passed

6. Main St. – Tree's

Mayor Burhans reported that there are 5 Bradford Pear trees along Main St. that need to be removed and replaced. These trees were planted by the Town and are overgrown into the utility lines. The Mayor is going to contact the homeowners and propose replacing the trees out of the right-of-way and in the property owners' lot, with their permission it will then be the home owner's responsibility to maintain the tree.

Tree Management Budgeted & Costs:

Removal of Five (5) Trees:	\$3,750.00
Five (5) Trees:	\$1,800.00
Five (5) Gators:	\$150.00
Total Cost:	\$5,700.00

FY 18 Budgeted Tree Management: **\$4,000.00**

Increase Needed: \$1,700.00



Decision: Councilman Romanell made a motion to increase the tree budget by \$1,700.00 and take it out of unappropriated reserve.

Second: Councilman Robertson

Discussion: None

Public Comment: None

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

The motion passed

7. Town Branding Discussion

Mayor Burhans reported that at the December sustainable committee meeting Christina May from Illumine8 Marketing attended the meeting and talked about branding. Pat Faux gave a brief overview of the concept of branding and said it is to describe what is unique about your town, that helps you organize your marketing and economic development and the business around the common theme. Also what is important about the Town. Steve Pippin also added that the branding is to create expectations that people have when they come to town. The town has received a \$20,000. Grant for signs to promote the town. The Mayor asked Christina to provide a cost estimate of a branding study and the range is between \$7,000 – \$10,000. The New Market Civic Partnership would be the committee to conduct this and report back to the Mayor and Council.

Public Comments: Jen Ojeda, Tony Chmelik

The council was in support of conducting the study.

Public Comment:

- Jen Ojeda – 73 W. Main St.

ADJOURNMENT:

Decision: Councilman Romanell made a motion to adjourn the meeting.

Second: Councilman Davies

Discussion: None

Public Comment: None

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

The motion passed

Respectfully submitted,

Karen Durbin
Clerk to Council





BUDGET AMENDMENTS December 19, 2017 – FY18

Budget Line Item: Municipal Building Furniture

Current Amount: \$11,500

Increase: \$138

Decrease: \$0

Final Amount: \$11,638

Budget Line Item: Unappropriated Reserve

Current Amount: \$185,402

Increase: \$0

Decrease: \$138

Final Amount: \$185,264

Motion by: Councilman Robertson

Seconded by: Councilman Romanell

Vote: FOR: 3 AGAINST: 0 ABSENT: 2 ABSTAIN : 0



Mayor Winslow Burhans III



Date

Budget Amendments – December 19, 2017 – Continued

Budget Line Item: Tree Maintenance

Current Amount: \$4,000

Increase: \$1,700

Decrease: \$0

Final Amount: \$5,700

Budget Line Item: Unappropriated Reserve

Current Amount: \$185,264

Increase: \$0

Decrease: \$1,700

Final Amount: \$183,564

Motion by: Councilman Romanell

Seconded by: Councilman Robertson

Vote: FOR: 3 AGAINST: 0 ABSENT: 2 ABSTAIN : 0



Mayor Winslow Burhans III



Date

Budget Revised:

Copy Sent to: Karen
Mayor