Minutes of the New Market
Town Council Meeting
Tuesday, January 21, 2020
6:30 pm

The New Market Town Council met in the Council Chambers of the Arthur L. Hildreth, Jr. Municipal Building on Tuesday, January 21, 2020 with the following members present: Mayor Douglas Bradley, Peter Hughes, Tim Palmer, Daryl Watkins, Larry Bompiani and Peggy Harkness. Council Member Scott Wymer was absent.

Town Attorney – Jordan Bowman (standing in for Jason Ham)
Town Manager – J. Todd Walters
Administrative Assistant – Donna Lohr

Mayor Bradley called the meeting to order and established a quorum with five members present. The Pledge of Allegiance was recited in unison. Mayor Bradley welcomed all visitors and guests.

Approval of the Agenda:

Mr. Palmer made a motion to approve the agenda. Mr. Watkins seconded the motion which passed on a unanimous 5-0 voice vote.

Consent Agenda:

Mrs. Harkness moved to approve the consent agenda which included the minutes from the December 16, 2019 meeting of the New Market Town Council, the minutes from the January 6, 2020 Special Called Meeting of the New Market Town Council as well as the Financial Statements for December 2019. Mr. Hughes seconded the motion which carried on a unanimous 5-0 voice vote.

Public Hearing:

There were no Public Hearings.

Citizen Comments and Petitions:

There were no Citizen Comments nor Petitions.

Mr. James Kelly, presented the audit findings for year ending June 30, 2019 by Robinson, Farmer, Cox Associates. Mr. Kelly gave a brief power point presentation highlighting some key points from the audit. A copy of Mr. Kelly’s presentation is on file with the minutes.

Committee Reports:

There were no Committee Reports.

Staff Reports:
1. Planning & Public Works Department Monthly Report – Mr. J. Todd Walters

Mr. Walters gave a power point presentation highlighting projects from the Planning and Public Works Departments. Mr. Walters mentioned that a public hearing on the Short Term Rental Ordinance was held on January 6, 2020. Council will vote on the Short Term Rental Ordinance at this evening’s meeting. He stated that he had received a CUP request for expansion to the DayCare Center. The public hearing for that will be in March. Mr. Walters mentioned several projects on which the Public Works Departments had worked. A copy of Mr. Walter’s presentation is on file with the minutes.


Chief Rinker gave a brief power point presentation which included statistics for the department for the month of December. Chief Rinker mentioned several events that members of the New Market Police Department had worked. Chief Rinker fielded a few questions from Council Members regarding yearly statistics. A copy of the information presented by Chief Rinker is on file with the minutes.

3. Events & Marketing Monthly Report – Amber Smoot

Mrs. Smoot gave a power point presentation. She mentioned that she had represented New Market in a marketing blitz at Clearbrook Welcome Center and discussed other projects on which she is currently working. A copy of Mrs. Smoot’s presentation is on file with the minutes.

Action Items:

The first item on the agenda was the discussion and consideration of the possible placement of a donation of Veterans Memorial Banners. Mr. Walters remarked that Ms. Driver had made this request at last month’s meeting. Mr. Walters advised Council that he had spoken with Mr. McCoy, Maintenance Supervisor about this project and it was determined that this would require a little more work but the project can definitely be done. Mr. Walters advised that the plan is for the banners to go up a few days before the holiday and would be taken down probably the next day following the holiday. Mr. Walters stated that at first it might not take as long to put up and take down the banners because there would likely not be as many at first, but eventually it may take longer to put them up as more banners are purchased. Mr. Walters remarked that it would be up to the Ladies Auxiliary to get the banners to Maintenance Staff before each holiday and the Ladies Auxiliary would handle cleaning them after the banners are taken down. Mr. Hughes asked how much time would be involved for the Maintenance Staff with this project. Mr. Walters advised that it would likely take a day for two men to put up the banners and a day to take them down. Discussion ensued regarding the number of banners that might be involved and the time involved in putting up and taking down the banners. Mr. Walters stated that likely four days a year, two men would be dedicated solely to putting up and taking down the banners. Mrs. Harkness made a motion to approve the request. Mr. Hughes seconded the motion which carried on the following unanimous 5-0 roll call vote:
The next item on the agenda was the discussion and consideration of Ordinance #107 — An Ordinance Amending Certain Provisions of the Town Code of the Town of New Market, Virginia Relating to Short-Term Rentals. Mr. Walters explained that a public hearing was held on this Ordinance at the beginning of the month. Mr. Walters explained that the main difference in the Ordinance that brought up the most discussion has to do with the R-1 and R-2 districts. Mr. Walters explained that the way it is written, in the R-1 and R-2 districts, in order to do a short-term rental that location must be the person’s main residence. That means that a person’s driver’s license, ID card, or Voter Registration Card matches the address of that residence where they live so that location would be considered owner-occupied short-term rental. That doesn’t mean the person has to be there. There could be opportunities in the wintertime where a person may leave for a few months and use their residence as a short-term rental. Those people still have to provide Town Staff with a contact that can be at the residence within an hour if there is an issue with the short-term rental. Mr. Walters also mentioned that currently he only knows of one short-term rental in the R-1 and R-2 districts and that one is located on Shenvalee Drive. Since they were already in operation, they would be grandfathered so the owner-occupied criteria would not apply. They would still have to apply for their business license and still have to pay transient occupancy tax. Dr. Bompiani asked if the property were sold, would the property then fall under the new Ordinance. Mr. Bowman, Town Attorney, advised that it is not the sale of the property, but the use would need to stop for a period of two years. If it stops for two years, then it is no longer grandfathered in, but the resident could sell the property and even with the change in ownership, it could still be used as a short-term rental. Discussion ensued regarding the grandfather provision. Mr. Bowman reiterated that the ownership can change, but as long as the use remains the same and remains consistent, then the grandfathering stays valid. If the use ever stops for two years, then it’s been discontinued, and it’s no longer grandfathered, and they are starting fresh with the Ordinance. It does not matter who owns it. It matters if the use is continuous or if it stops. Discussion ensued regarding issues that may arise with short-term rentals and what action should be taken if there are problems at those locations. Mr. Walters mentioned again that the Ordinance can be amended down the road if there are issues that need to be addressed regarding short-term rentals.

Mr. Hughes made a motion to adopt Ordinance #107, Amending Certain Provisions of the Town Code of the Town of New Market, Virginia Relating to Short-Term Rentals. Mr. Palmer seconded the motion. Mr. Watkins asked for further clarification on the definition of a non-owner occupied short-term rental. Mr. Walters stated that a non-owner occupied short term rental means that the individual operating the short-term rental is not the owner of the property, but instead they are renting or leasing the property and operating a short-term rental. With no further discussion, the motion passed on the following unanimous 5-0 roll call vote:
Mayor's Comments:

Mayor Bradley made the following comments:

- The ‘Tis the Season parade was a success
- Jon Henry received the Young Entrepreneur award from the County Chamber of Commerce
- Thanked Town Staff for their hard work

Council Comments:

Mr. Hughes commended Mrs. Teresa Green for a job well done on the audit. Several council members affirmed his comments.

Staff Comments:

Mr. Walters mentioned the following items:

- There will be several upcoming meetings. Mr. Ed Carter, with VDOT, will be at the Work Session scheduled for Tuesday, February 4th, 2020 at 6:30 p.m. Discussions will be on traffic issues, personnel handbook, CIP, and upcoming budget.
- Mr. Walters will be meeting with Ed Carter and VDOT traffic engineers out of Staunton at a meeting the day after the Work Session.
- A Planning Commission meeting will be held on Monday, February 3rd, 2020.
- There will be a Work Session in March on the budget.
- The property located on John Sevier Road beside the Community Center is a result of the Nuisance Ordinance. Town Staff is still working on this and the owner is putting forth as much effort as possible to clean up what he can but he is unable to move the items on the lot next door until after the court date in February.
- Town Staff is waiting on the previous owner to remove his items from the recently purchased Town owned property on John Sevier Road.

Closed Meeting:

No Closed Meetings scheduled.

Adjournment:

At 7:35 p.m. Mr. Watkins made a motion to adjourn the meeting. Mr. Hughes seconded the motion which carried on a unanimous 5-0 voice vote.

J. Todd Walters, Town Clerk

 Douglas Bradley, Mayor