

1 **Minutes of the New Market**  
2 **Town Council Meeting**  
3 **Tuesday, January 21, 2020**  
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 Tuesday, January 21, 2020 with the following  
8 members present: Mayor Douglas Bradley, Peter Hughes, Tim Palmer, Daryl Watkins,  
9 Larry Bompiani and Peggy Harkness. Council Member Scott Wymer was absent.

10  
11 Town Attorney – Jordan Bowman (standing in for Jason Ham)  
12 Town Manager – J. Todd Walters  
13 Administrative Assistant – Donna Lohr  
14

15 Mayor Bradley called the meeting to order and established a quorum with five  
16 members present. The Pledge of Allegiance was recited in unison. Mayor Bradley  
17 welcomed all visitors and guests.  
18

19 **Approval of the Agenda:**  
20

21 **Mr. Palmer made a motion to approve the agenda. Mr. Watkins seconded**  
22 **the motion which passed on a unanimous 5-0 voice vote.**  
23

24 **Consent Agenda:**  
25

26 **Mrs. Harkness moved to approve the consent agenda which included the**  
27 **minutes from the December 16, 2019 meeting of the New Market Town Council, the**  
28 **minutes from the January 6, 2020 Special Called Meeting of the New Market Town**  
29 **Council as well as the Financial Statements for December 2019. Mr. Hughes**  
30 **seconded the motion which carried on a unanimous 5-0 voice vote.**  
31

32 **Public Hearing:**  
33

34 There were no Public Hearings.  
35

36 **Citizen Comments and Petitions:**  
37

38 There were no Citizen Comments nor Petitions.

39 Mr. James Kelly, presented the audit findings for year ending June 30, 2019 by  
40 Robinson, Farmer, Cox Associates. Mr. Kelly gave a brief power point presentation  
41 highlighting some key points from the audit. A copy of Mr. Kelly's presentation is on  
42 file with the minutes.  
43

44 **Committee Reports:**  
45

46 There were no Committee Reports.  
47

48 **Staff Reports:**  
49

50 **1. Planning & Public Works Department Monthly Report – Mr. J. Todd**  
51 **Walters**

52  
53 Mr. Walters gave a power point presentation highlighting projects from the  
54 Planning and Public Works Departments. Mr. Walters mentioned that a public hearing  
55 on the Short Term Rental Ordinance was held on January 6, 2020. Council will vote on  
56 the Short Term Rental Ordinance at this evening's meeting. He stated that he had  
57 received a CUP request for expansion to the DayCare Center. The public hearing for that  
58 will be in March. Mr. Walters mentioned several projects on which the Public Works  
59 Departments had worked. A copy of Mr. Walter's presentation is on file with the  
60 minutes.

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

63  
64 Chief Rinker gave a brief power point presentation which included statistics for  
65 the department for the month of December. Chief Rinker mentioned several events that  
66 members of the New Market Police Department had worked. Chief Rinker fielded a few  
67 questions from Council Members regarding yearly statistics. A copy of the information  
68 presented by Chief Rinker is on file with the minutes.

69  
70 **3. Events & Marketing Monthly Report – Amber Smoot**

71  
72 Mrs. Smoot gave a power point presentation. She mentioned that she had  
73 represented New Market in a marketing blitz at Clearbrook Welcome Center and  
74 discussed other projects on which she is currently working. A copy of Mrs. Smoot's  
75 presentation is on file with the minutes.

76  
77 **Action Items:**

78  
79 The first item on the agenda was the discussion and consideration of the possible  
80 placement of a donation of Veterans Memorial Banners. Mr. Walters remarked that Ms.  
81 Driver had made this request at last month's meeting. Mr. Walters advised Council that  
82 he had spoken with Mr. McCoy, Maintenance Supervisor about this project and it was  
83 determined that this would require a little more work but the project can definitely be  
84 done. Mr. Walters advised that the plan is for the banners to go up a few days before the  
85 holiday and would be taken down probably the next day following the holiday. Mr.  
86 Walters stated that at first it might not take as long to put up and take down the banners  
87 because there would likely not be as many at first, but eventually it may take longer to  
88 put them up as more banners are purchased. Mr. Walters remarked that it would be up to  
89 the Ladies Auxiliary to get the banners to Maintenance Staff before each holiday and the  
90 Ladies Auxiliary would handle cleaning them after the banners are taken down. Mr.  
91 Hughes asked how much time would be involved for the Maintenance Staff with this  
92 project. Mr. Walters advised that it would likely take a day for two men to put up the  
93 banners and a day to take them down. Discussion ensued regarding the number of  
94 banners that might be involved and the time involved in putting up and taking down the  
95 banners. Mr. Walters stated that likely four days a year, two men would be dedicated  
96 solely to putting up and taking down the banners. **Mrs. Harkness made a motion to**  
97 **approve the request. Mr. Hughes seconded the motion which carried on the**  
98 **following unanimous 5-0 roll call vote:**

100	<b>Mr. Hughes</b>	<b>Aye</b>	<b>Dr. Bompiani</b>	<b>Aye</b>
101	<b>Mr. Palmer</b>	<b>Aye</b>	<b>Mrs. Harkness</b>	<b>Aye</b>
102	<b>Mr. Watkins</b>	<b>Aye</b>		

103

104 The next item on the agenda was the discussion and consideration of Ordinance  
105 #107 – An Ordinance Amending Certain Provisions of the Town Code of the Town of  
106 New Market, Virginia Relating to Short-Term Rentals. Mr. Walters explained that a  
107 public hearing was held on this Ordinance at the beginning of the month. Mr. Walters  
108 explained that the main difference in the Ordinance that brought up the most discussion  
109 has to do with the R-1 and R-2 districts. Mr. Walters explained that the way it is written,  
110 in the R-1 and R-2 districts, in order to do a short-term rental that location must be the  
111 person’s main residence. That means that a person’s driver’s license, ID card, or Voter  
112 Registration Card matches the address of that residence where they live so that location  
113 would be considered owner-occupied short-term rental. That doesn’t mean the person  
114 has to be there. There could be opportunities in the wintertime where a person may leave  
115 for a few months and use their residence as a short-term rental. Those people still have to  
116 provide Town Staff with a contact that can be at the residence within an hour if there is  
117 an issue with the short-term rental. Mr. Walters also mentioned that currently he only  
118 knows of one short-term rental in the R-1 and R-2 districts and that one is located on  
119 Shenvalee Drive. Since they were already in operation, they would be grandfathered so  
120 the owner-occupied criteria would not apply. They would still have to apply for their  
121 business license and still have to pay transient occupancy tax. Dr. Bompiani asked if the  
122 property were sold, would the property then fall under the new Ordinance. Mr. Bowman,  
123 Town Attorney, advised that it is not the sale of the property, but the use would need to  
124 stop for a period of two years. If it stops for two years, then it is no longer grandfathered  
125 in, but the resident could sell the property and even with the change in ownership, it  
126 could still be used as a short-term rental. Discussion ensued regarding the grandfather  
127 provision. Mr. Bowman reiterated that the ownership can change, but as long as the use  
128 remains the same and remains consistent, then the grandfathering stays valid. If the use  
129 ever stops for two years, then it’s been discontinued, and it’s no longer grandfathered,  
130 and they are starting fresh with the Ordinance. It does not matter who owns it. It matters  
131 if the use is continuous or if it stops. Discussion ensued regarding issues that may arise  
132 with short-term rentals and what action should be taken if there are problems at those  
133 locations. Mr. Walters mentioned again that the Ordinance can be amended down the  
134 road if there are issues that need to be addressed regarding short-term rentals.

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

143

144	<b>Mrs. Harkness</b>	<b>Aye</b>	<b>Mr. Palmer</b>	<b>Aye</b>
145	<b>Dr. Bompiani</b>	<b>Aye</b>	<b>Mr. Hughes</b>	<b>Aye</b>
146	<b>Mr. Watkins</b>	<b>Aye</b>		

147

148 **Mayor's Comments:**

149

150 Mayor Bradley made the following comments:

151

- The 'Tis the Season parade was a success

152

- Jon Henry received the Young Entrepreneur award from the County Chamber of Commerce

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154

- Thanked Town Staff for their hard work

155

156 **Council Comments:**

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158 Mr. Hughes commended Mrs. Teresa Green for a job well done on the audit.

159 Several council members affirmed his comments.

160

161 **Staff Comments:**

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163 Mr. Walters mentioned the following items:

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- There will be several upcoming meetings. Mr. Ed Carter, with VDOT, will be at the Work Session scheduled for Tuesday, February 4<sup>th</sup>, 2020 at 6:30 p.m. Discussions will be on traffic issues, personnel handbook, CIP, and upcoming budget.

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- Mr. Walters will be meeting with Ed Carter and VDOT traffic engineers out of Staunton at a meeting the day after the Work Session.

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170

- A Planning Commission meeting will be held on Monday, February 3<sup>rd</sup>, 2020.

171

172

- There will be a Work Session in March on the budget.

173

174

- 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.

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176

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178

- Town Staff is waiting on the previous owner to remove his items from the recently purchased Town owned property on John Sevier Road.

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180

181 **Closed Meeting:**

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No Closed Meetings scheduled.

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185 **Adjournment:**

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At 7:35 p.m. Mr. Watkins made a motion to adjourn the meeting. Mr.

188

Hughes seconded the motion which carried on a unanimous 5-0 voice vote.

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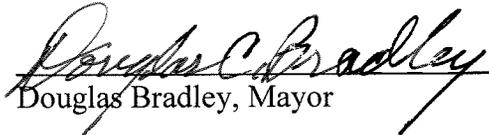
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J. Todd Walters, Town Clerk

  
Douglas Bradley, Mayor