

## Town of Davis Special Meeting-Short-term Rentals

**Meeting: Special- Short-term Rentals**

**Date: Friday, February 18<sup>th</sup>, 2022**

**Place: Davis Volunteer Fire Hall**

**Time: 5:30 p.m.**

**Roll Call:** Mayor Al Tomson, Council; John Felton, Charlotte Wales, Jeannette Ware, Kevin Flanagan, Ron Hollis and Recorder Jennie Helmick.

**Guests:** Jennifer Britt (Parsons Advocate), Dana White, Vickie Riggs, Judy Cronauer, Cory Chase, Fred Davis, Betsy Whitehair, David Gravelle, Pete Johnson, Sean Joyner, Jessica Luscombe, Shayla Klein, Cameron Dunlop, Matt & Jennie Morrow, Fred & Gloria Myers, Sean Nichols, Julie Bortz, Angela Inglese, Dave & Erica Brown, Nick Waite, David Kines, Garret Bolyard, Robby McClung, Karen & Bill Peterson, Mellissa & Robert Borowitz, Jonathan Sundt, Linda & Dan Dilly, Brian Sarfino, Effie & Flora McCauley, Cody Cussins, Kimmy Clements, Melissa Brown, Mark Barnes, Barb Douglas, Jessica Waldo

**Mayor Al Tomson** welcomed everyone to the meeting. Open public meeting-Special Meeting to talk to Attorney representing the Davis Rental Property Owners Alliance in regards to short-term rentals. No comments from guests will be allowed. We are here to listen, no interruptions. Share information.

**Mayor Tomson** stated that everything is about balance-residential and businesses conditionally. We still want Davis to know their neighbors. Don't want **Town** to turn into all short-term rentals; Pro business, pro tourism and how to do that. Up to date, necessary and best serving **Davis**. Every meeting new information. Short-term rental places can happen with reckless abandon. Tuscan Ridge, Riverfront Walk, both sides of William Avenue are viewed as Commercial and encourage short-term rentals there. Want to keep the feel of neighborhoods in the residential area. There are currently 30 short-term rentals within the town. These include hotel-motels, bed & breakfast and those located on William Avenue. Trying to keep the limit to 30 in our residential neighborhoods. All existing short-term rentals (in operation with proper licenses) will be grandfathered in. Our current sewer problem is restricting businesses and homes in Davis, effects the Industrial Park and future Hyper-Loop. Short-term rentals are an issue across the country. Article of the Adirondack's, people escaping the cities due to COVID. 50% of houses are short-term houses, prices have gone up, long-term rentals gone down. How to save a Ski Town Article, housing prices went up, stock went down. Available housing non-existent, no workforce, became a ghost town. Downstream strategies and Comprehensive Report (2021) talk about short-term rentals, workforce housing (which isn't our place to create plus no means to do so). Some businesses trying to provide housing for employees (which there is a shortage of). Revenue received through Hotel-Motel taxes is as follows; 70% hotel-motels, 30% short-term rentals. Of this revenue, 50% goes to the TCCVB and the rest can only be used for the following; Parks & Recreation, Community Center, Town Hall, Arts, and Beautification. We are in discussion regarding dilapidated, abandoned, empty lots being used for short-term rentals, but not all members on board. Our building permit ordinance states that only one residence is allowed per lot. Future of Davis- Comprehensive Plan, May and June for implementation. Public meetings to be held before this. Zoning- issues with businesses in residential area, no prohibiting without zoning.

**Mayor Tomson** introduced **Council** and the Town's Attorney. **Mr. Sayre**, representing group we are talking with. **Cameron Dunlop**- Davis Group, questioning Moratorium on Short-term rentals. Stated currently, 1/3 of them are single homes, 1/3 apartments, 1/3 campers, being seasonal homes. They pay 6% hotel/motel tax to Town 6% tax to state and 1% tax to state, which is returned to Town as a municipal fee. Lots of disagreements between businesses and residents. Mr. Sayre-Bowes & Rice, Municipal & Land Use Law. Also, a Home Rule member. Problematic issues with Ordinances, building permits, restricting businesses location, doesn't require other businesses for inspections and insurance. Fair regulations of short-term rentals should proceed with equality.

**Mr. Sayre** stated he would appreciate the chance to talk about the Ordinance. Davis is a unique area. Few issues to be addressed. Rights of property owners, subject to regulations that are reasonable. Regulate health, safety, land use, to put restrictions on these properties. Dillon's Rule applies if not under Municipal Home Rules. Local town knows best way to handle. Land use, comprehensive plan and zoning. Comprehensive plan draft is out, public hearings are being scheduled to be held with the planning commission and Town. Non-traditional zoning ordinance. Zoning is a bad word for many. Different types of short-term rental; single family houses, duplexes and families wanting to rent room/s. House-not living in, whole houses or parts. Apartments which are multi-families, considered. Building code- certain items-state code- Building Issue-Industries, inspections, license fees, fees authorized under the state code, want regulations. Second homes/revenue sources to pay mortgages. Feels Corridor H causing some of the problem. Mr. Sayre said he was here to answer questions. It is his understanding reasonable regulations

wanted. Feels the Moratorium the Town passed is to give them time to get regulations/ restrictions in place before short-term rentals become a problem. Doesn't feel we have the authority to do this.

Suggests we do a breakdown of the different types of short-term rentals, feels this falls under land use which we would need zoning. Inspections/safety for short-term rentals should be applied to long-term rentals. **Mayor Tomson** stated that had been the plan. Long term rentals not considered by the state as a business but want safety to all those who are rented to.

**Councilman Kevin Flanagan** stated that early on he was hesitant on any Moratorium due to being a short-term rental property owner. Felt it was just locals who lived here to safeguard their interest. After reading situations elsewhere in the country regarding short-term rentals, feels the need to regulate/restrict now.

**Councilman Ron Hollis** asked if there were other Municipalities in WV trying to do the same in regards to Moratoriums and regulating short-term rentals in their communities.

**Mayor Tomson** asked what standing did the WV Municipal League have regarding short-term rentals.

**Recorder Jennie Helmick** had a few questions. In regards to the letter the Town of Davis received from Bowes & Rice, there were several items she wished to discuss.

State Code 8-5-14 (44) deals only with powers regarding elections. The proper Code 8-1-5 gives municipalities the powers, authority, duties and responsibilities conferred by law upon which a municipality of the class to which it belongs.

In regards to Dillon Rule, it was effectively abolished in the 1969 Municipal Code 7-1. Under Home rule and Dillon's rule (Wikipedia) the State of West Virginia isn't a Dillon's Rule State and only became a Home Rule State in January 2019 when the Municipal Home Rule Pilot Program became permanent. West Virginia Code 8-12-13 stating that all building codes are void after one year after the promulgation of a state building code by the State Fire Marshall, it will be researched as the Town doesn't have building codes but building permits and to see how our permit regulations fall within state building codes. West Virginia Code 8A-7-1, authority for zoning ordinance, a comprehensive plan for the Town is in draft form, public meetings are scheduled for public comment, working on a zoning ordinance. Once passed, the Town of Davis will have the authority to regulate land use within its jurisdiction.


Mr. Sayre appreciated the opportunity to discuss the problems regarding short-term rentals.

The meeting ended at 6:55 p.m.

Date of approval: March 9, 2022

As read: \_\_\_\_\_

As corrected: \_\_\_\_\_



Alan Tomson, Mayor



Jennie Helmick, Recorder