

**City of Lewisburg
Planning Commission Working Session
Meeting Minutes — September 13, 2023, 5:30 p.m.
942 Washington Street West, Lewisburg, WV
Paul L. Cooley Council Chambers**

PRESENT: Chairperson John Little, Commissioners (City Manager) Misty Hill, Margaret Gossard, Helen Harless, Davis Lewis, Valerie Pritt, Dan Stevenson, Matt Campbell and Tia Bouman; Planning and Zoning Officer Marsha Cunningham; Recording Officer Tina Alvey.

ABSENT: None.

VISITORS: Christy DeMuth (via ZOOM), Sally Bray, Jill McIntyre..

CALL TO ORDER: The session was called to order by Chairperson John Little at 5:33 p.m.

COMMENTS FROM THE PUBLIC: Jill McIntyre, president of the Lewisburg Downtown Business Association, advised the Commission that her organization’s members are interested in bringing food trucks into town to enhance public events. She said she had polled member restaurants and found no negative comments about the proposal. The city generally prohibits food trucks in the historic center of town, but has permitted a limited number of food trucks for certain events, such as the Lewisburg Chocolate Festival and Carnegie Hall’s Taste of Our Towns (TOOT) festival.

Representing Carnegie Hall, Sally Bray said the optimal number of vendors needed for TOOT is around 40, but the festival has fallen short of that goal in recent years. “Upscale” food trucks could fill the gap, she said, warning that Carnegie is now “evaluating” whether to continue to sponsor TOOT in downtown Lewisburg.

Commissioner (City Manager) Misty Hill said the city’s hesitancy in permitting larger numbers of food trucks to set up for TOOT is based on several factors, not least of which is altering the nature of what is intended to be a fundraising opportunity and showcase for local nonprofits — including Carnegie Hall — and area restaurants. Additional concerns are public safety-related, as some locations where food trucks might tap into electricity present a fire hazard, and the fact that the city only has seven streets employees, upon whom the clean-up after TOOT and other festivals falls, along with their other duties. Hill said City Council would have to consider imposing a fee for festivals to offset the additional expense for fire, police and public works Lewisburg would incur if a great number of food trucks set up in the downtown district for a given event.

***Review, discuss and consider changes:
Draft Zoning Ordinance and Updated Permissible Use Table***

Commissioners reviewed the draft zoning ordinance and permissible use table with Christy DeMuth of WVU Law for more than two hours. Among the issues addressed was the need to fine tune the draft in the wake of the concerns raised about food trucks in the public comment

portion of the meeting. Another topic that was discussed at some length was medical cannabis facilities. City Attorney Tom White said at present a maximum of 100 dispensaries, 10 growers and 10 processors are permitted statewide. Commissioners settled on capping such facilities within the city limits at three dispensaries, two growers and two processors.

Continuing a months-long discussion about the proliferation of AirBnBs in the city, Commissioner Dan Stevenson asked DeMuth whether Lewisburg is legally authorized to ban the short-term rentals in certain zones. DeMuth responded that the West Virginia Legislature inserted language in the state's Home Rule law prohibiting all entities (towns, cities, counties) from barring AirBnBs. She said nobody has challenged that prohibition yet. Asked for his legal opinion, City Attorney White said as long as the city allows the establishments "somewhere," Lewisburg should be able to bar AirBnBs in most zones. Stevenson immediately proposed removing conditional use allowances for short-term rentals in the city's R-1 (single-family residential) District in the draft ordinance.

Before signing off on the legal matter, however, DeMuth said she needed to consult with a colleague because R-1 is Lewisburg's primary residential district. She said other communities considering this issue "are afraid to rock the boat" by taking the step advocated by Stevenson, Little and several other members of the Commission. White said he would like to hear what DeMuth's colleague (identified only as "Jesse") has to say before solidifying his position on the issue.

ADJOURNMENT: The working session adjourned at 8:02 p.m., upon motion by Commissioner Margaret Gossard, seconded by Commissioner Valerie Pritt, on a 7-0 vote, with Hill and Commissioner Tia Bouman having left the meeting early..

Respectfully submitted,
Tina Alvey
Recording Officer