

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL  
HELD IN THE COUNCIL CHAMBERS ON MONDAY, APRIL 11, 2016, AT 7:00 P.M.**

Members present: Trenton G. Crewe, Jr., Jacqueline K. King, William B. Weisiger, Thomas F. Hundley

Members absent: H. Judson Lambert

Others present: Town Manager C. Wayne Sutherland, Jr., Assistant Town Manager Stephen A. Moore, Town Clerk Sharon G. Corvin, Clayton Bush, Karson Cazier, Dan Cazier, Warren Gwynn, Leslie Harwood, Susan Harwood, Cole Throckmorton, Danny Gordon with WYVE-AM/WXBX-FM/WLOY-AM, Police Officer Todd Matthews

**RE: CALL TO ORDER, QUORUM, PLEDGE**

Mayor Crewe called the meeting to order and established that a quorum of Council members was present. The Pledge of Allegiance was led by Councilman Weisiger.

**RE: CONSENT AGENDA**

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of March 28, 2016, and the request of the Virginia Cooperative Extension for waiver of fees for use of Withers Park on Saturday, April 30, 2016, for a 4-H sponsored 5K Run activity. He inquired of the Council if there is a motion to approve the consent agenda as presented or to consider the items separately. A motion was made by Councilman Hundley and seconded by Councilman Weisiger to approve the consent agenda consisting of the minutes of the regular meeting of March 28, 2016, and the request of the Virginia Cooperative Extension for waiver of fees for use of Withers Park on Saturday, April 30, 2016, for a 4-H sponsored 5K Run activity, as presented. Mayor Crewe inquired if there is any discussion on the motion to approve the consent agenda, as presented. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, William B. Weisiger, Thomas F. Hundley. Against: None.

**RE: CITIZENS' PERIOD**

Mayor Crewe advised the next agenda item is Citizens' Period. He noted that Ms. Leslie Harwood had indicated on the sign in sheet that she wished to address the Council. Mayor Crewe stated that the Council would be glad to hear from her at this time.

Ms. Leslie Harwood was recognized and entered the following comments into the record: *Good evening Council members. While I understand that the decision has not yet been voted on, I have read the recent Public Works Committee Report and would like to express my support for the Committee's recommendation of defeating the ordinance considering these proposed regulations on the third and final reading. I applaud the Council for researching this matter further before passing regulation. As I have said before, homestay operations can have positive impacts on both communities and its citizens. Homestays can put money directly into the pockets of Wytheville residents as well as neighborhood small businesses. This growing sharing economy is supporting households and residents, growing and diversifying tourism, and activating neighborhoods. By voting to defeat the ordinance later in the meeting, I believe that Wytheville will join other forward-thinking communities in leading this global sharing economy movement, and in embracing the future. Thank you.*

Mayor Crewe thanked Ms. Harwood for attending the Council meeting and for all of her involvement in the Homestay Establishment or Airbnb Ordinance discussion. Town Manager Sutherland inquired of Ms. Harwood if she had her statement in writing, and, if so, could he have a copy. Ms. Harwood gave Town Manager Sutherland a copy of her statement. Mayor Crewe noted that Ms. Harwood had, obviously, read the Committee's report. He commented that he appreciated everyone attending the Council meeting. Mayor Crewe advised that no one else indicated on the sign in sheet that they wished to address the Council, however, if anyone had changed their mind, the Council would be glad to hear their remarks. There being no one to address the Council during Citizens' Period, Mayor Crewe proceeded with the agenda.

**RE: OLD BUSINESS**

Under Old Business, Town Manager Sutherland reported the following:

1. The Council Work Session will be held on Tuesday, April 12, 2016, at 7:00 a.m.

2. The New River Regional Water Authority will meet on Thursday, April 14, 2016, at 9:30 a.m., in the Council Chambers.
3. The Council Personnel Committee will meet on Friday, April 15, 2016, at 8:15 a.m., at the Wytheville Police Department. Councilman Weisiger inquired of Town Manager Sutherland as to who serves on that Committee now. Town Manager Sutherland stated that Councilman Weisiger and Councilman Lambert serve on the Committee.
4. The deadline to purchase Town decals is Friday, April 15, 2016.
5. The Wytheville Industrial Development Authority will meet on Wednesday, April 20, 2016, at 9:00 a.m., in the Council Chambers.
6. The Joint Industrial Development Authority will meet on Thursday, April 21, 2016, at 3:00 p.m., in the Council Chambers.
7. The Honor Flight Program will be held on Friday, April 22, 2016, in front of the Wythe County Courthouse. Mayor Crewe stated that he can elaborate on this Program because the Sheriff called him. He noted that he knows that Wythe County Sheriff Keith Dunagan and Wytheville Police Chief Rick Arnold met. Mayor Crewe explained that it is called a Honor Flight, but it is going to be by bus and not by airplane. He remarked that the bus is going from Kingsport, Tennessee, taking World War II Veterans to Washington, D.C., to the World War II Memorial. Mayor Crewe commented that the group needed to stop somewhere, and the Sheriff has arranged a proposed route which is coming off of Exit 70, down Fourth Street and stopping in front of the Wythe County Courthouse at approximately 9:30 a.m. or 10:30 a.m. He remarked that in the Council Work Session last week, the Council agreed to close the street for the hour or so that they will be in town, which will probably be less than an hour. Mayor Crewe explained that the street to be closed will be Fourth Street located in front of the courthouse. He noted that the group will go into the Sheriff's Department and have some light refreshments there, take a break, etc., and then get back on the bus and continue on their way. Mayor Crewe commented that the group will be in Wytheville because they contacted the Sheriff about stopping here. He reiterated that it will be World War II Veterans and their caregivers on the bus. Mayor Crewe stated that anybody is welcome to attend. He noted that the time is not set for sure, but, hopefully, it can be announced on the radio and in the newspaper, so that people can show their support and line the streets and clap for the Veterans when they leave town. Mayor Crewe reiterated that the Honor Flight Program will be held on April 22, 2016, between 9:30 a.m. and 10:30 a.m.

#### **RE: BUDGET AND FINANCE COMMITTEE REPORT**

Vice-Mayor King, reporting for the Budget and Finance Committee, stated the Council has received a letter from the Wythe Arts Council, Ltd., seeking action by the Town on a number of matters relating to the annual Chautauqua Festival. She noted that a copy of the letter from the Wythe Arts Council is enclosed. Vice-Mayor King explained that they are completing the necessary paperwork for the Request for Waiver of Fees through the Community Center. She remarked that this year, the opening parade will be held on June 18, and the final day of the Festival will be held on Saturday, June 25. Vice-Mayor King explained that, again, this year, the Arts Council has requested that certain fees for the use of the Park and the Fourth Street Civic Center be waived, as well as certain business license fees. She expressed that the Committee has reviewed the requests made by the Arts Council and finds them to be, essentially, the same requests that have been made for many years. Vice-Mayor King stated that the Budget and Finance Committee does not anticipate a problem with any of these items. She explained that the Committee would note that the Town has again, this year, applied for grant funds on the Arts Council's behalf. Vice-Mayor King commented that as such, for all of the areas where fees are being requested to be waived, the Arts Council will need to pay these fees (up to \$5,000) and then be reimbursed by the Town, provided they receive the grant funds. She remarked that the Town applauds the Wythe Arts Council's continued efforts in bringing quality entertainment to its citizens. Vice-Mayor King advised that it is the recommendation of the Budget and Finance Committee that the Council approve the requests of the Wythe Arts Council, with the stipulations noted earlier and contingent on the receipt of the Request for Waiver of Fees application. A motion was made by Vice-Mayor King and seconded by Councilman Weisiger that the Council approve the various requests of the Wythe Arts Council contingent upon meeting all the stipulations and the receipt of the Request for Waiver of Fees application. Mayor Crewe inquired if there is any discussion on the motion to approve the requests of the Wythe Arts Council. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, William B. Weisiger, Thomas F. Hundley. Against: None.

Vice-Mayor King, also, reported that the Council wanted to take this opportunity to make everyone aware of the upcoming community shredding event. She expressed that the Town has provided this service on four previous occasions. Vice-Mayor King explained that the fifth shredding event will be held on Saturday, April 23, 2016, between the hours of 10:00 a.m. and 2:00 p.m. She noted that the document destruction services will be provided by Shred-it. Vice-Mayor King stated that due to the volume of documents that was received previously, the Town will, again, impose the standard that no one can bring anything in excess of what would be held by a 55 gallon container. She remarked that the event is limited to town residents only, and businesses are not allowed to participate. Vice-Mayor King explained that similar to prior events, the shredding event will be held in the Municipal Building parking lot. A copy of the Budget and Finance Committee report is attached and made part of these minutes.

#### **RE: PUBLIC WORKS COMMITTEE REPORT**

Councilman Hundley, reporting for the Public Works Committee, stated that over the past two Council meetings, the Council has reviewed a proposed ordinance that would impose certain regulations on Homestay Establishments, also known as Airbnbs. He explained that the study of this topic began in January 2016 when the Planning Commission noted that it may be worthwhile to consider regulations regarding Homestay Establishments. Councilman Hundley commented that during this most recent session of the General Assembly, Homestay Establishments throughout the State made an aggressive push in the General Assembly to have Virginia become the first State in the nation to remove all local zoning and taxation authority to regulate short term stays. He remarked that under the State's definition of a short term stay, it would be less than 30 days in a residential dwelling. Councilman Hundley stated the Bill that was ultimately adopted by the Virginia General Assembly merely developed a mechanism for collecting the appropriate taxes from the Homestay Establishment, but excluded local jurisdictions from imposing any additional regulation. He noted that during this next year, committees of the General Assembly will reevaluate the current situation and determine if there is any need to make amendments during their 2017 session. Councilman Hundley advised that the Council's intent in proposing the ordinance was to make sure that it protected the Town, its neighborhoods and visitors using these Homestay Establishments. He expressed, however, it is clear that even if the Council were to implement these policies, it is likely that they would be rescinded by State law. Councilman Hundley remarked that having said that, the Council does not believe that there is any purpose in continuing its review of these proposed regulations. He advised that it would be the recommendation of the Public Works Committee that when the ordinance considering these proposed regulations is considered later in the meeting that it be defeated on the third and final reading. Councilman Hundley stated this would mean that there would be no regulations imposed on Homestay Establishments. He commented, obviously, if there is a change to State law during the next session, the Council could reconsider the matter at that time.

Councilman Hundley, also, reported that last year, the Town amended its regulations with regard to mowing. He explained that, generally speaking, the new mowing regulations require that properties be mowed three times per year - - once before May 15, once before July 15 and once before August 15. Councilman Hundley stated the regulations provide that when grass, weeds/vegetation and other foreign growth reach a maximum of 12 inches in height, the property owner shall mow the property. He noted that the Committee wanted to remind everyone about these new mowing regulations. Councilman Hundley expressed that in slightly more than one month, the first cutting is required. He commented that, in any event, if the property is not mowed, the Town will give notice regarding the failure to remove the weeds as required and collect from the property owner the charges needed to perform the mowing. Councilman Hundley expressed that the Public Works Committee would urge any property owners who have questions to contact Director of Public Works Tommy Seagle at the Municipal Office Building. A copy of the Public Works Committee report is attached and made part of these minutes.

#### **RE: ORDINANCE NO. 1306 – HOMESTAY ESTABLISHMENT OR AIRBNB**

Mayor Crewe presented Ordinance No. 1306, an ordinance amending and reenacting Ordinance No. 640, generally known as the Zoning Ordinance, by amending Article III-Definitions to add Section 3-42.2 Homestay Establishment or Airbnb, and to amend the following Articles to add the use of Homestay Establishment or Airbnb: Article V – Agricultural District A-1; Article VI-Residential District R-1; Article VI-A- Residential District R-1A; Article VI-M- Residential District R-1M; Article VII – Residential District R-2; Article VIII –Residential District R-3; Article VIII-A-Residential District R-3MH; Article X- Business District B-1; Article XI-Business District B-2 (General); Article XI-A- Business District B-2DT General Business District – Downtown, on third and final reading. He remarked that the recommendation from the Public Works Committee is to defeat the ordinance on third and final reading. Mayor Crewe explained

that this is the ordinance that would amend, basically, the Zoning Ordinance to cover Homestay Establishments or Airbnbs. He explained that if he is interpreting the recommendation correctly, the motion would be to put it on the floor to at least consider the ordinance, however, the recommendation from the Public Works Committee is to vote no so that it would fail and not be adopted. Mayor Crewe remarked that if he is understanding correctly, the Council has to get the motion on the floor somehow to vote on it, but the recommendation is to vote no so that it does not pass. He commented that he would take this from the report of the Public Works Committee that has a motion to put it on the floor for the purpose of consideration. A motion was made by the Public Works Committee, which does not require a second, to adopt Ordinance No. 1306, an ordinance amending and reenacting Ordinance No. 640, generally known as the Zoning Ordinance, by amending Article III-Definitions to add Section 3-42.2 Homestay Establishment or Airbnb, and by amending the following Articles to add the use of Homestay Establishment or Airbnb: Article V – Agricultural District A-1; Article VI-Residential District R-1; Article VI-A-Residential District R-1A; Article VI-M- Residential District R-1M; Article VII – Residential District R-2; Article VIII –Residential District R-3; Article VIII-A-Residential District R-3MH; Article X-Business District B-1; Article XI-Business District B-2 (General); Article XI-A- Business District B-2DT General Business District – Downtown, on third and final reading. Vice-Mayor King inquired of Mayor Crewe as to how to get the other motion off of the floor. Mayor Crewe commented that he thinks the Council has to have a motion to put it on the floor for a vote, and then the Council members vote no if they want to defeat the ordinance. He stated that a motion from a Committee does not require a second, and puts it on the floor for consideration. Mayor Crewe noted that if the Council members want to pass it, they would vote yes, and if they want to defeat it, they would vote no. Vice-Mayor King inquired of Mayor Crewe if a motion is required to defeat the ordinance. Mayor Crewe stated that is correct because there is a motion from the Committee to consider it. Councilman Hundley commented that the Council needs to vote no to defeat the ordinance. Councilman Weisiger remarked to Vice-Mayor King to vote no when asked how she was voting if she wanted to vote to defeat the ordinance. Mayor Crewe stated the Council should vote however they would like, but based on the recommendation, it is to defeat the ordinance on third and final reading. Mayor Crewe inquired if there is any discussion on the motion to adopt the ordinance on third and final reading. There being none, the motion was defeated with the following voting against the motion and there being no opposition:

FOR: None

AGAINST: Trenton G. Crewe, Jr., Jacqueline K. King, William B. Weisiger, Thomas F. Hundley

ABSTENTIONS: None

Ordinance No. 1306 was defeated on third and final reading. Mayor Crewe commented that the ordinance can be brought back depending on what the State does next year, but there is no ordinance presently pending in the Town of Wytheville for Homestay Establishments, and it was defeated on third and final reading.

#### **RE: APPOINTMENTS – TREE ADVISORY COMMITTEE**

Mayor Crewe advised the next agenda item is the appointment or reappointment of members to the Tree Advisory Committee to fill the expiring terms of Mr. David Richert and Mr. Wythe Morris (terms expire May 14, 2016). He noted that Mr. Richert and Mr. Morris are eligible for reappointment, and they both have indicated a willingness to serve again, if reappointed. Mayor Crewe inquired if there is a motion concerning the reappointment of members to the Tree Advisory Committee. A motion was made by Councilman Weisiger and seconded by Councilman Hundley to reappoint Mr. David Richert and Mr. Wythe Morris to the Tree Advisory Committee for four year terms (terms expire May 14, 2020). Mayor Crewe inquired if there is any discussion on the motion to reappoint Mr. Richert and Mr. Morris to the Tree Advisory Committee. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, William B. Weisiger, Thomas F. Hundley. Against: None.

#### **RE: CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY – 276 EXPRESS, LLC**

Mayor Crewe advised the next agenda item is the issuance of a Certificate of Public Convenience and Necessity for 276 Express, LLC, for the operation of taxicabs for 2016. He stated that the Council will note in the information they have that the Wytheville Police Department has inspected the vehicle, and that the certificate of insurance is enclosed. Mayor Crewe inquired of the Council if there is a motion to issue a Certificate of Public Convenience and Necessity for 276 Express, LLC, for the operation of taxicabs for 2016. A motion was made by Councilman Hundley and seconded by Councilman Weisiger to issue a Certificate of Public

Convenience and Necessity for 276 Express, LLC, for the operation of taxicabs for 2016. Mayor Crewe stated that he is not suggesting that Mr. Bush and Mr. Throckmorton have to, but if they want to say something they certainly can, but they do not have to speak. Mr. Bush commented that they only attended the meeting to answer any questions the Council members may have. Mayor Crewe thanked Mr. Bush and Mr. Throckmorton for attending the meeting. He inquired if there is any further discussion on the motion to issue a Certificate of Public Convenience and Necessity for 276 Express, LLC, for the operation of taxicabs for 2016. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, William B. Weisiger, Thomas F. Hundley. Against: None.

**RE: ADJOURNMENT**

There being no further business to be discussed, a motion was duly made, seconded and carried to adjourn the meeting (7:18 p.m.).

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Trenton G. Crewe, Jr., Mayor

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Sharon G. Corvin, Town Clerk

## **BUDGET AND FINANCE COMMITTEE REPORT**

**APRIL 11, 2016**

1. We have received a letter from the Wythe Arts Council, Ltd., seeking action by the Town on a number of matters relating to the annual Chautauqua Festival. A copy of the letter from the Wythe Arts Council is enclosed. They are completing the necessary paperwork for the Request for Waiver of Fees through the Community Center. This year, the opening parade will be held on June 18, and the final day of the Festival will be held on Saturday, June 25. Again, this year, the Arts Council has requested that certain fees for the use of the Park and the Fourth Street Civic Center be waived, as well as certain business license fees.

We have reviewed the requests made by the Arts Council and find them to be, essentially, the same requests that have been made for many years. We do not anticipate a problem with any of these items. We would note that the Town has again, this year, applied for grant funds on the Arts Council's behalf. As such, for all of the areas where fees are being requested to be waived, the Arts Council will need to pay these fees (up to \$5,000) and then be reimbursed by the Town, provided they receive the grant funds.

We applaud the Wythe Arts Council's continued efforts in bringing quality entertainment to our citizens. It is the recommendation of the Budget and Finance Committee that the Council approve the requests of the Wythe Arts

Council, with the stipulations noted earlier and contingent on the receipt of the Request for Waiver of Fees application.

2. We wanted to take this opportunity to make everyone aware of the upcoming community shredding event. The Town has provided this service on four previous occasions. The fifth shredding event will be held on Saturday, April 23, 2016, between the hours of 10:00 a.m. and 2:00 p.m. The document destruction services will be provided by Shred-it. Due to the volume of documents that was received previously, we will, again, impose the standard that no one can bring anything in excess of what would be held by a 55 gallon container. The event is limited to town residents only, and businesses are not allowed to participate. Similar to prior events, the shredding event will be held in the Municipal Building parking lot.

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William B. Weisiger

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Jacqueline K. King

## **PUBLIC WORKS COMMITTEE REPORT**

**APRIL 11, 2016**

1. Over the past two Council meetings, we have reviewed a proposed ordinance that would impose certain regulations on Homestay Establishments, also known as Airbnbs. The study of this topic began in January 2016 when the Planning Commission noted that it may be worthwhile to consider regulations regarding Homestay Establishments. During this most recent session of the General Assembly, Homestay Establishments throughout the State made an aggressive push in the General Assembly to have Virginia become the first State in the nation to remove all local zoning and taxation authority to regulate short term stays. Under the State's definition of a short term stay, it would be less than 30 days in a residential dwelling. The Bill that was ultimately adopted by the Virginia General Assembly merely developed a mechanism for collecting the appropriate taxes from the Homestay Establishment, but excluded local jurisdictions from imposing any additional regulation. During this next year, committees of the General Assembly will reevaluate the current situation and determine if there is any need to make amendments during their 2017 session. Our intent in proposing the ordinance was to make sure that we protected the Town, its neighborhoods and visitors using these Homestay Establishments. However, it is clear that even if we were to implement these policies, it is likely that they would be rescinded by State law. Having said that, we do not believe that there is any purpose in continuing our review of these proposed regulations. It would be the recommendation of the Public Works



Committee that when the ordinance considering these proposed regulations is considered later in the meeting that it be defeated on the third and final reading. This would mean that there would be no regulations imposed on Homestay Establishments. Obviously, if there is a change to State law during the next session, we could reconsider the matter at that time.

2. Last year, the Town amended its regulations with regard to mowing. Generally speaking, the new mowing regulations require that properties be mowed three times per year- -once before May 15, once before July 15 and once before August 15. The regulations provide that when grass, weeds/vegetation and other foreign growth reach a maximum of 12 inches in height, the property owner shall mow the property. We wanted to remind everyone about these new mowing regulations. In slightly more than one month, the first cutting is required. In any event, if the property is not mowed, the Town will give notice regarding the failure to remove the weeds as required and collect from the property owner the charges needed to perform the mowing. We would urge any property owners who have questions to contact Director of Public Works Tommy Seagle at the Municipal Office Building.

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Thomas F. Hundley

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H. Judson Lambert