

**MINUTES OF A TOWN COUNCIL WORK SESSION  
TOWN OF LURAY, VIRGINIA  
Tuesday, March 24, 2009**

The Luray Town Council met in a work session on Tuesday, March 24, 2009 at 5:30 p.m. in the Luray Town Council Chambers located at 45 East Main Street, Luray, Virginia at which time there were present the following:

**Presiding:** Mayor Barry Presgraves

**Council Present:** Nancy Shifflett  
Lonnie Arrington  
William Menefee  
Leroy Lancaster  
Jerry Schiro  
Earl "Rock" Racer

**Also Present:** Rick Black, Town Manager  
Bryan Chrisman, Assistant Town Manager  
Mary Broyles, Treasurer  
Danielle Babb, Deputy Clerk-Treasurer  
Jason Spitler, Town Attorney  
Luther Johnson, Page News & Courier

The meeting was called to order by Mayor Presgraves and everyone recited the Pledge of Allegiance to the flag.

**Changes or Additions to the Agenda**

Mayor Presgraves asked if there were any changes or additions to the agenda. Town Manager, Rick Black, requested to discuss the possible observation deck/pocket park adjacent to Hawksbill Bicycles. Councilman Lancaster would like to discuss banner signs.

**Public Hearing: Accessory Dwelling Unit**

Town Planner, Ligon Webb, addressed Council regarding the upcoming public hearing for Accessory Dwelling Units. This concept came out of the comprehensive plan and is in accordance with the goal of providing affordable housing. He stated that most citizens seemed to like the concept when the comprehensive plan was presented to the public. The Planning Commission unanimously approved the addition to the Town's Zoning Ordinance. Mr. Webb reminded that this would still fall under the requirement of a special use permit among zoning districts R1- R5. Mr. Webb stated that if Council moves forward on the amendment, there is the potential for one or two applications. Mr. Webb feels that the addition of an accessory dwelling unit would add value to an existing structure and could assist with the current housing market.

Councilman Racer questioned how this would not degrade the surrounding neighborhood properties. Mr. Racer feels that zoning districts R1 and R2 are not the appropriate locations. Councilman Arrington stated his concerns for the possibility of the owner moving into the accessory dwelling unit and renting/leasing the primary residence to a larger family, thus causing the result of overcrowding. Also, Mr. Arrington expressed concern over the amount of town funds spent on advertising for the public hearing. Due to current economic times, Mr. Arrington does not feel that this amount of funds should be spent on this concept. Councilman Schiro expressed concerns over the potential for problems occurring in the neighborhood. He stated that if the special use permit is issued and problems evolve, it would be up to the Town to revoke the special use permit. Mr. Schiro stated that a large amount of money will have already been spent to upgrade the facility to conform to an Accessory Dwelling Unit. Mr. Schiro also questioned the size and set-back regulations for the unit. Councilwoman Shifflett verified that the property owner must live on the premises in either the A.D.U. or the primary dwelling. Councilman Lancaster questioned the amount of individuals that may reside in the accessory dwelling. Mr. Webb stated that a provision can be added to limit the accessory dwelling to two persons. Also, Mr. Webb reminded that the accessory unit must possess its own water and sewer tap to be metered separately.

Lastly, Mr. Webb stated that the public hearing has been advertised and that he is keeping Council informed of the process.

### **Event Sign**

Town Manager, Rick Black, provided in Council's packet a design rendering of an event sign. This concept was discussed briefly at the March Council meeting. Mr. Black stated that the only suitable location for the sign would be the original location on the Rte. 340 North/North Broad Street corridor. This location would provide for a slower speed limit to view the information displayed on the sign and also possesses electricity hookups. The cost estimates for the sign can be found in Council's packets.

Councilman Lancaster reminded that flyers/brochures have been produced to inform of the Town Events for the coming year. The flyers are located in town and at many lodging facilities. Mr. Lancaster feels that the sign will merely direct people and not inform. Also, Mr. Lancaster stated with an estimate for the sign of approximately \$3000; he does not feel that the benefit will outweigh the cost.

Mayor Presgraves concluded by requesting that this topic be put on the agenda for the April Council meeting and that a decision could be made at that time.

### **Draft Budget**

Town Manager, Rick Black, presented Council with a power point presentation reviewing a draft synopsis of the upcoming budget. Mr. Black began his presentation by highlighting several areas: a) No tax increase b) a projected surplus of \$61,189 c) no salary increases for all staff d) an increase in water rates of \$ 3.09 for average residential users e) an increase in sewer rates of \$ 2.55 for average residential users f) eliminating four part-time Parks and Recreation positions/ creating one full-time position. Mr. Black reviewed in detail the projected revenues and expenditures.

Mr. Black also noted that the CDBG program will end in June 2009, with all projects requiring completion by this deadline. Mr. Black stated that the Phase II facades will be completed this Spring with few participants in this round of renovations. Town Manager Black assured Council that the Town will not be responsible for remaining slum and blight in the downtown area. Any remaining funds in the CDBG façade budget would be forfeited.

Mr. Black reviewed the rate charts for both water and sewer. Several scenarios were provided for Council regarding the rate schedules with the most desirable option being an increase of \$ 3.09 for water and \$ 2.55 for sewer on average residential usage. Councilman Schiro expressed concern for the amount of expense that will be incurred when the new Water Treatment Plant is brought online. Mr. Schiro wants staff to ensure that enough funds are budgeted to compensate for the additional operating costs.

Mr. Black reviewed projected expenditures by department. Councilman Menefee questioned labor for the Parks and Recreation Department. Mr. Black verified that two eliminated positions would be summer life guards who currently work less than 20 hours per week. Mr. Black stated that one of the part time positions would become a full time person who would work with an inmate on a daily basis. Councilman Schiro feels that staff and Council should consider the amount of inmate labor provided by the Page County Sheriff's Office that benefits overall labor expenditures. Mr. Black stated that without the inmate labor program; many areas of services would suffer. Mr. Black also reviewed the expenditures Economic Development areas including LDI, the Farmer's Market, Lord Fairfax Community College, and the Airport. Mr. Black also provided departmental equipment requests for the budget year. Mayor Presgraves stated that regardless of equipment items being budgeted for the year; items should only be purchased when absolutely needed.

Rick Black reviewed the contributions budget and the associated contribution requests. He reviewed information provided by VML for contribution guidelines. The guidelines specify that only non-profit and charitable organizations receive funds. Mr. Black stated his position that donations should be directed more toward requests that benefit a large group of citizens or students and not toward specific interests to align more closely with VML guidelines. Mayor Presgraves concluded the draft budget portion of the meeting and stated that more review would take place in future work sessions.

## **Face Book**

Ligon Webb, Town Planner, presented Council with the concept of promoting the Town of Luray on the website [www.Facebook.com](http://www.Facebook.com). Town Attorney, Jason Spitler, gave his professional opinion on the marketing tool in addition to Mr. Webb's information. Mr. Webb stated that the website is the 2<sup>nd</sup> most visited behind the search engine *Google*. Currently, Luray Downtown Initiative used the site as a marketing tool. Mr. Webb proposes to only utilize the website for providing public information similar to what can be found on the Town of Luray website. Town Manager, Rick Black, has discussed this with Valley Automation, the Town's IT service provider. Valley Automation's System Engineer/Owner, Patrick Embry, foresees many problems that may occur with the use of the website. Mr. Embry's chief concern is over the potential for harm to the integrity of the Town's operating systems. Town Attorney, Jason Spitler, stated that there are ways of managing responses to the website so that the Town would always remain in control of the publicized data.

Councilman Lancaster questioned if there are associated fees for using the site. Mr. Webb stated that the site is free and there is no cost for setting up a web page. Councilwoman Shifflett feels the Town is already well represented in the area of advertising and questioned the need for this site. Mayor Presgraves stated that he has utilized the website. Overall, Mr. Webb feels that utilizing the site would convey the Town's emphasis on communicating with the public and embracing new technology.

## **Changes or Additions to the Agenda**

Town Manager, Rick Black, stated that there will be a presentation from Dave Puckett tomorrow at 1:00pm on the progress at the Luray Train Depot. There will be a presentation at the Town Office followed by a walking tour of the site.

Mr. Black reviewed an earlier meeting regarding the addition of an observation deck/pocket park beside Hawksbill Bicycles. Rick is meeting with Racey Engineering tomorrow to see what will be needed in terms of engineering work and to receive a cost estimate on the plans. There is a possibility of funds being available from FEMA regarding flood prevention.

Mr. Black stated that Councilman Lancaster requested information on advertisement banners containing product logos such as *Coke* or *Pepsi*. Mr. Black has researched the Town Code on this with no specific mention of these type of signs. Mr. Webb has notified property owners who are currently in violation of the existing sign ordinance per the Code of the Town of Luray.

Lastly, Mr. Black presented a request for lease of a town owned parcel off of Broad Street. The requestor would like to lease the vacant property for the purpose of a garden. The requestor currently maintains the parcel. Council's consensus was that there would be no problem with this use.

Mayor Presgraves reminded Council of the Ralph H. Dean Recreation Park dedication to be held on Saturday, April 18, 2009. Later that day, the Arbor Day Celebration will be held beginning at 1:00pm on Phase IV of the Luray Hawksbill Greenway.

## **EXECUTIVE SESSION**

**Discussion of the acquisition of real property, Section 2.2-3711.A.3**

**Consideration of the investment of public funds where bargaining is involved,  
Section 2.2-3711.A.6**

**Consultation with legal counsel concerning possible litigation, Section 2.2-3711.A.7**

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing Section 2.2-3711.A.3, Section 2.2-3711.A.6, and Section 2.2-3711.A.7. Councilman Menefee motioned to recess the regular session and to convene in executive session; Councilwoman Shifflett seconded the motion with the following members voting YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, and Racer. **Approved 6-0**

After reopening the work session, Council agreed that the only items discussed were Real Property, Investment of Public Funds, and Legal Consultation during the Executive Session.

## **Old Business**

Mayor Presgraves stated that there was one action item remaining for the meeting under the topic of old business. At the March 9<sup>th</sup> Regular Council meeting, members voted on the special use permit request to operate a Tattoo Parlor in a B1 zoned parcel; the subject parcel is located at 21 North Broad Street. Due to the language of the motion, Council chose to revote on the special use permit to clarify the intent of the motion. **Motion:** Councilman Racer motioned to approve the special use permit request from Mr. Steven Jessee to operate a Tattoo Parlor with the following conditions:

- 1) Though state regulations allow individuals 16 years of age to be tattooed (with parental consent), Mr. Jessee voluntarily agrees not to tattoo any individuals under the age of 18 years,
- 2) The operation will not have more than two chairs for tattooing at any one given time,
- 3) The size of the sign advertising the tattoo parlor will not exceed three square feet in size, and
- 4) The tattoo parlor will adhere to all relevant codes and guidelines as required by the Commonwealth of Virginia.

The motion was seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Arrington, Lancaster, Racer NAY: Shifflett, Menefee, Schiro. **Tied 3-3. With a tied vote, Mayor Presgraves voted YEA. Thus approving the Special Use Permit with the proffered conditions. Approved 4-3.**

## **Adjourn**

There being no further business, Mayor Presgraves adjourned the work session of the Town Council at approximately 8:08 pm.

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Barry Presgraves  
Mayor

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Danielle P. Babb  
Deputy Clerk-Treasurer