

**A REGULAR MEETING OF  
THE TOWN COUNCIL  
OF  
THE TOWN OF LURAY, VIRGINIA**

**Monday, August 10, 2020**

The Luray Town Council met in regular session on Monday, August 10, 2020, at 7:00 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:**

Ron Vickers  
Jerry Dofflemyer  
Jerry Schiro  
Leroy Lancaster  
Joseph Sours  
Leah Pence

**Also Present:**

Steve Burke, Town Manager  
Bryan Chrisman, Assistant Town Manager  
Mary Broyles, Clerk Treasurer  
Danielle Babb, Deputy Clerk Treasurer  
Chief Bow Cook, Luray Police Department  
Captain Mike Wagoner, Luray Police Department  
Jason Botkins, Litten & Sipe  
Page News & Courier  
Page Valley News

*(This meeting was made public via the Town's Facebook page. Public comments were accepted prior to the meeting via e-mail to [sburke@townofluray.com](mailto:sburke@townofluray.com)).*

A quorum being present, Mayor Presgraves declared the Council to be in session for the transaction of business. All present stood for a moment of silence. Mayor Presgraves led everyone in the United States Pledge of Allegiance.

Mayor Presgraves read aloud the Ordinance for the *Continuity in the Government of Luray*.

## **MAYOR'S STATEMENT**

Mayor Presgraves made the following statement:

*“Thank you to everyone here tonight, and your interest in our town... the last eight days have been the most difficult time for our community, my family and me... I want to make this very clear to everyone, with absolutely no qualifications: I understand what I posted on social media was wrong, offensive and unbecoming, it does not reflect what is in my heart... I also want to make a direct apology to all people of color and women... passing off demeaning and worn out racial stereotypes as humor isn't funny, I now fully understand how hurtful it is... I can and will do better, and we can all do better, we must... From the bottom of my heart I am sorry and humbly ask for your forgiveness and your grace... thank you for listening, and God bless each and everyone one of you.”*

## **CONSENT AGENDA**

**Motion:** Councilman Vickers motioned to approve the Consent Agenda as presented, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

### *Consent Agenda*

(A) Minutes of the Regular Council Meeting –7-13-2020.

(B) Minutes of the Council Work Session Meeting – 7-28-2020.

(C) Accounts Payable checks totaling- \$ 133,027.95

## **DISCUSSION OF TOWN CHARTER**

Town Attorney, Jason Botkins, discussed the Town's Charter and its update in recent years. He noted that Municipal Code Corporation is working to update the charter online. The Charter was updated through process of the General Assembly in recent years and has come under question in the recent days regarding removal of an elected official. The Town's Charter does not allow members of the Town Council the authority to remove other elected members of Council from office. The Charter follows the direction of the General Assembly in asserting that elected representatives are accountable to the citizens of the Town. Mr. Botkins explained that the State Code provides the citizens the ability to pursue a petition of the Circuit Court to recall an elected official.

## **CITIZEN COMMENT**

The following citizens signed up and spoke during the Citizen Comment portion of the meeting.

- Audre King- 1 Jordan Street, Luray Virginia
- Audrey Tutt Smith- 116 Cole Street, Luray Virginia
- D. Dean Peterson- 789 Ridge View Lane, Shenandoah Virginia
- Theresa Posey- 15 Woodland Avenue, Luray Virginia
- Barbara Veney- 161 Hillside Drive, Luray Virginia
- Laura Ausberry- 153 Hillside Road, Luray Virginia
- R.J. Judd- 24 Zerkel Street, Luray Virginia
- Logan Horng- 112 South Marye Lane, Luray Virginia
- Pat Taylor- 660 West Main Street,, Luray Virginia
- Penny Good- 532 West Main Street, Luray Virginia
- Cindy Baron- 3 Hudson Drive, Luray Virginia
- Maxine Tutt- 637 West Main Street, Luray Virginia
- Michelle Billings- 16 Spingcrest Drive, Luray Virginia
- Melvin Tutt- 113 Meade Street, Luray Virginia
- Tesa Conlin- 100 Grand View Drive, Luray Virginia
- Ken Johnson- 611 Jewell Hollow Road, Luray Virginia
- James North- 5 South Court Street, Luray Virginia
- Mike Nestor- 14 Springview Blvd. , Luray Virginia

In accordance with the deadline of 5pm, the following e-mails were received by the Town Manager for citizen comment and were read aloud from:

- Wendy Brown – 104 North Hawksbill Street, Luray Virginia
- Judy Peabody- 418 East Main Street, Luray Virginia
- Suzanna Grant- 125 Pass Run Drive, Luray Virginia
- Cathy Herbert- 201 Hawksbill Heights Drive, Luray Virginia
- Scott and Kelly Zitzer- 7 Johnson Drive, Luray Virginia
- William Kelly and Cynthia Smith- 7 Jamison Road, Luray Virginia
- James Turner- 830 Mill Creek Cross Roads, Luray Virginia
- Venessa Acham- 5 Summer Street, Hanover New Hampshire
- Jodi Arbor Johnson- 5398 Harbor Court, Alexandria Virginia
- Monica Gilley- 100 Luna Park Drive, Alexandria Virginia
- Chris Hurlbert- 220 Water Street, Brooklyn New York

## **PUBLIC HEARINGS**

### **Code Amendment- Artisan Manufacturing**

Town Manager, Steve Burke, requested the Council hold a public hearing regarding the draft code amendments to Section 202 and Sections 406 of the Town Code regarding artisan manufacturing. The Town Council reviewed the draft previously at the July Work Session meeting. Mr. Burke stated that the Planning Commission unanimously approved the amendments at their monthly meeting on July 15<sup>th</sup>.

Mayor Presgraves opened the public hearing for citizen comment. With no citizens signed up to speak, the hearing was closed.

**Motion:** Councilman Vickers moved that the Town Council adopt the amendments to Sections 202 and 406 of the Town Code regarding artisan manufacturing as presented. Motion seconded by Councilman Dofflemyer with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

## **ACTION & DISCUSSION ITEMS**

### **Luray Meadows Agreement**

Mr. Burke discussed the draft agreement for the Luray Meadows Apartments project with People Incorporated. Mr. Burke clarified some of the questions from the work session in regards to the term of the agreement and the funding responsibilities; ultimately lending to People Inc. being the responsible party. The project is funded by a \$700,000 CDBG grant.

**Motion:** Councilman Schiro moved that the Town Council approve the agreements for the Luray Meadows Apartments project as presented and authorize the Town manager to execute the Sub-Grant Agreement. Motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

## **TOWN ATTORNEY**

Jason Botkins, Town Attorney, had nothing further for the meeting.

## **EXECUTIVE SESSION**

### **Consultation with Legal Counsel - Section 2.2-3711 (A) (8)**

### **Discuss the Performance of the Mayor - Section 2.2-3711 (A) (1)**

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing matters relevant to Section 2.2-3711.A.8 and Section 2.2-3711.A.1. **Motion:** Councilman Schiro motioned to recess the regular meeting and to convene in executive session; Councilman Vickers seconded the motion with the following members voting YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours. NAY: Pence. Approved 5-1

### ***-Closed Meeting-***

**Certification:** Mayor Presgraves asked members of Council to certify that to the best of their knowledge only matters covered under Section 2.2-3711.A.8 and Section 2.2-3711.A.1 were heard, discussed, or considered during the closed session. **Motion:** Councilman Schiro motioned to certify the closed session; Councilman Sours seconded the motion with the following members voting YEA: Mayor Presgraves, Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence.

**Motion:** Councilman Schiro moved Town Council approve the following statement regarding the performance of the Mayor and use of social media. Motion seconded by Councilman Dofflemyer with

the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours. NAY: Pence. **Approved 5-1**

**The Town Council issued the following statement:**

*The Luray Town Council hereby adopts this formal censure of Mayor Barry Presgraves for his choice of harmful words posted on Social Media. While the Town Council affirms the freedom of speech guaranteed by the U.S. Constitution, as elected officials, we are held to a higher standard within our communities.*

*Statements by public officials have a powerful impact on the community. We have listened carefully to and reflected deeply upon the public comments shared with the Town during the past week.*

*Your apology is a step towards reconciliation with our citizens, however damage both internal and external to our community remains.*

*This statement of censure focuses on the action. The Town Council expects your highest level of commitment and dedication to serving all citizens of Luray as we move forward without regard to race, sex, or other characteristics.*

*We recognize that words alone will not advance this cause or any other. We are dedicated to working in a transparent manner to build public trust in Town governance and move our great Town forward during this time of healing.*

**ANNOUNCEMENTS/ ADJOURN**

With no further business, the meeting was adjourned at 9:24pm.

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Barry Presgraves  
Mayor

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Danielle Babb  
Deputy Clerk-Treasurer