

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

MONDAY, DECEMBER 11, 2017

The Luray Town Council met in regular session on Monday, December 11, 2017, 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:

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

Also Present:

Bryan Chrisman, Acting Town Manager
Jason Botkins, Town Attorney
Danielle Babb, Deputy Clerk-Treasurer
Corey Seal, Luray Police Dept.
Saidee Gibson, Robinson Farmer Cox Associates
Gina Hilliard, Luray Page County Chamber of Commerce
Meredith Dees, Luray Downtown Initiative
William Huffman, Luray Downtown Initiative
Ligon Webb, 12 Spring Street
Jason and Penny Pettit, 111 North Court Street

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. Councilman Schiro led everyone in the United States Pledge of Allegiance.

CONSENT AGENDA

Motion: Councilman Vickers motioned to approve the Consent Agenda, 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 – 11-13-2017
- (B) Minutes of a Special Council Meeting - 11-9-2017
- (C) Minutes of a Special Council Meeting - 12-2-2017
- (D) Financial Report Ending November 30, 2017
- (E) Accounts payable checks totaling \$ 147,914.38

PRESENTATIONS

Saidee Gibson, Robinson Farmer Cox Associates

Ms. Saidee Gibson, Audit Manager for the Town of Luray's Annual Audit, presented the report from Robinson Farmer Cox Associates. Ms. Gibson provided a power point presentation that overviewed the town's audit results. Ms. Gibson stated that the town received an Unmodified Opinion which is the highest and best opinion the profession offers. This opinion states that there are no material weaknesses or deficiencies in internal control and that the town is in compliance with all contracts and grants. The presentation reviewed both the Government Wide Financial Statements and the Proprietary Fund Statements. She provided financial highlights of the statements, reviewed the general fund expenditure analysis, and noted the town's tax collection rate of 96%. Ms. Gibson noted net income for the proprietary (water and sewer) funds for the year ended. Ms. Gibson concluded her presentation by stating that there were no significant deficiencies or materials weaknesses, she reviewed the management memorandum and noted that adjusting journal entries were provided to management and are reflected in the audit report.

PUBLIC HEARINGS

Interim Financing (Note #4) for the W. Main Bridge

Acting Town Manager, Bryan Chrisman, presented information for the public hearing regarding the next extension of the town's interim financing. Interim financing will be utilized for the construction costs and related expenses of replacing the West Main Street Bridge. This note will be structured slightly different from previous as a revolving line of credit. Mr. Chrisman said that a copy of the advertisement has been provided along with a draft promissory note from Blue Ridge Bank. Mr. Chrisman reminded that the town's current note, Note #3, expires on December 16.

Mayor Presgraves opened the public hearing for citizen comment. With no citizens present to speak on the issue, the hearing was closed.

Motion: Councilman Sours motioned to approve Interim Financing Note #4 from Blue Ridge Bank, motion seconded by Councilman Dofflemyer with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Lodging Houses by SUP in R2, R3, R4, R5, M1 & PND

Acting Town Manager, Bryan Chrisman, explained that previously the Council adopted an ordinance that allows Lodging Houses by-right in the B-1 District. He explained that lodging houses are essentially business operations where the individual owner leases the entire house to an applicant or group for a period less than 30 days. The definition of a lodging house is “any structure other than a hotel, motel, apartment house, townhouse, and Bed and Breakfast home that is routinely rented or otherwise made available for compensation for residential, leisure or vacation usage, for periods of 30 days or less. Mr. Chrisman specified that the issue is if lodging houses should be allowed by special use permit in other areas of town.

Mr. Chrisman stated that the Luray Planning Commission has recommended a change to the draft ordinance that would also allow lodging houses by Special Use Permit in R2 Zoning Districts. Mr. Chrisman said that after deliberations of the Planning Commission, the vote was 3-2 to allow lodging houses by SUP in R2 Zoning Districts. He noted that the reasoning seemed to be because Bed and Breakfast facilities are allowed town-wide in R2 Zoning. Mr. Chrisman furthered that there are significant differences between Bed and Breakfast operations and lodging houses. Mr. Chrisman did not recommend the revision to allow lodging houses in R2 Zoning.

Councilwoman Pence asked for clarification on the definitions of Inns, Lodging Houses, and Bed and Breakfast operations. Mr. Chrisman said that lodging houses are basically anything not already defined by the ordinance. He furthered that they are short term lodging, less than 30 days. Lodging houses also do not require the owner to live on the premises as Bed and Breakfast operations do. Councilman Dofflemeyer inquired how this issue has come about. Mr. Chrisman said this seems to be an up and coming issue and the Commission is trying to be proactive. Councilman Schiro clarified that the issue is allowing lodging homes by Special Use in the R2 District. Mr. Schiro said it is unfortunate that many citizens don’t come forward to oppose their own neighbors, and perhaps do not realize the implications of not doing so. Councilman Schiro stressed the importance of preserving single family limited use. He said that it is unfortunate that these aren’t always nice upscale rentals and Council should protect these neighborhoods. Council members continued to deliberate the issue regarding various zoning districts. Councilwoman Pence recalled Bed and Breakfast operations being allowed on specific streets. Mr. Chrisman said that some streets have been exempt in the past from the Special Use Permit process, such as Court Street. However, it was later voted to allow Bed and Breakfast operations by SUP in R-2. Members then discussed the difference between Bed and Breakfast operations and Inns. Councilman Vickers maintained that residents do not want to live in a neighborhood that permits a business next door. Councilman Schiro agreed that citizens have purchased properties in a neighborhood for the purpose of a family home and Council should not change the rules. He stressed that when individuals buy a home they assume that this kind of activity will not be allowed. Councilman Dofflemeyer said that he is opposed to this because he has experienced this in his neighborhood.

Mayor Presgraves opened the public hearing for citizen comment.

Jason Pettit- 111 North Court Street

Mr. Jason Pettit discussed a home near him that operates as a Bed and Breakfast and said that it is a very good operation and extremely quiet. Mr. Pettit said that he would love to see motels thriving in Luray, rather than being weekly or monthly rentals for persons to live.

Mayor Presgraves closed the public hearing.

Councilman Lancaster asked if this could be added to the Planned Neighborhood Development. Mr. Chrisman said he has looked into this but we probably wouldn't want to allow this.

Motion: Councilman Schiro motioned to allow lodging houses by Special Use Permit in the R3, R4, R5, M1, and PND only, 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, noted that in addition to the language of the zoning ordinance there were some housekeeping matters regarding the old sign ordinance. These matters were also advertised and approved by the Planning Commission.

Motion: Councilman Schiro motioned to repeal previous sections and to provide for the revisions to the current sign ordinance pertaining to lodging houses as discussed by the Town Attorney to paragraphs 2, 4, and 9. Motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Yard Sales Ordinance Amendment

Acting Town Manager, Bryan Chrisman, discussed the current yard sale ordinance which provides for two sales per year. Currently, any sales in addition to two per year are imposed a fee of \$20 each. Mr. Chrisman explained that this implies that the given address can conduct more than two per year. One particular instance of this has resulted in essentially an outdoor business of continued retail sales throughout the year. Mr. Chrisman said that the changes in the ordinance would remove ambiguity and allow for only two sales per year, per address. He noted that this change is recommended by the police department and town staff.

Councilwoman Pence asked if the yard sale sign ordinance is being enforced. She spoke specifically about the off premises yard sale signs. Mr. Chrisman said that it is indeed being enforced and signs are continually being taken down but it is difficult to keep up. Ms. Pence suggested imposing fees for those who violate the sign requirements. Mr. Chrisman said that the town has tried to be a friendly community in terms of this issue. She countered that businesses would not be allowed to violate the sign restrictions and suggested a bit stricter enforcement for a period of time. Councilman Vickers suggested some sort of press release about the yard sale signs.

Mayor Presgraves opened the public hearing for citizen comment. With no comments from the public, the hearing was closed.

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

Accessory Structures in B1 Zoning Districts

Acting Manager, Mr. Chrisman, presented the issue of accessory structures in the B1 Business District. He said that this seems to be an oversight in the ordinance, as currently such structures are not allowed in B1 either by-right or by special use. He noted that the use of storage buildings by local businesses is an obvious need whereas some downtown buildings/lots are very narrow and do not have ample storage space.

Councilman Lancaster pointed out that allowing accessory structures will use up space that could otherwise be utilized as off street parking. Town Attorney, Jason Botkins, provided the definition of accessory

structures for clarification. Mayor Presgraves opened the public hearing for citizen comment. With no one present to speak on the issue, the hearing was closed.

Motion: Councilwoman Pence motioned approve Accessory Structures in B1 Zoning Districts as discussed, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

TOWN BOARDS AND COMMISSIONS

Meredith Dees, Luray Downtown Initiative

Ms. Meredith Dees presented updates regarding the net profit from the Bridge Event. Ms. Dees said that the event will net about \$15,000 in profits, which she is very excited about. She noted that the original fundraising goal was \$12,000. Ms. Dees thanked the Council for their support of the event. The first project with these proceeds will be the downtown banners. A meeting has been held with Bryan Chrisman and Lynn Mathews to discuss the banners and she hopes to continue the town's "branding" efforts and mitigate work by the town crew in displaying the banners. Ms. Dees said that this project should kick off in January.

The tree lighting event was a huge success and Ms. Dees noted the largest crowd to date. She also mentioned the new holiday décor at the PALS Center, which LDI has provided for the town. Upcoming events for LDI include work on the annual accreditation survey which will be completed in January. Councilman Dofflemyer complemented the Tree Lighting Event and noted the feeling of community. Ms. Dees thanked the town employees for their work on the event and decorations.

Luray Page County Chamber of Commerce

Ms. Gina Hilliard offered to answer any questions from the Council or Staff. Councilwoman Pence noted that the data from the Mud Run was very interesting and in the future would like to know how many out of town participants stayed overnight and purchased meals. Councilman Sours inquired about the increase in web traffic. Ms. Hilliard said that currently the website is undergoing an update. She noted that this has been quite an undertaking and the plans are to combine four sites into one, which she hopes will lead to further improved statistics.

Ms. Hilliard said that she has recently obtained approval from the board to conduct the 2018 Mud Run. She would like to again use the Ralph H. Dean Recreation Park if Council would be in favor of the request.

Motion: Councilman Sours motioned to approve the 2018 Mud Run at the Ralph H. Dean Recreation Park, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

ITEMS FOR COUNCIL ACTION

Planning Commission Compensation

Mr. Chrisman discussed the town's ordinance which states that Planning Commissioners shall serve without compensation. However, he noted that they are allowed to request reimbursement for expenses accrued in the course of their duties. Mr. Chrisman said that at some point the Town elected to simply provide payment

to each Commissioner of \$50 per meeting in lieu of gathering receipts for various incidentals. The Town has elected to provide the nominal lump sum per meeting attended to each member. Since this has been the town's practice, Mr. Botkins has recommended that the ordinance be amended to reflect this practice.

Motion: Councilman Dofflemyer motioned to approve the changes to the Town's Ordinance regarding Planning Commissioner Compensation as presented, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Councilman Dofflemyer noted that many items in the Town Charter seem out of date. Mr. Chrisman clarified that changes to the Town Charter must go before the General Assembly. However, town staff attempts to update ordinances as needed. He said that to conduct an entire ordinance review would be very costly. He suggested working on a few sections of the ordinance each budget cycle to accomplish these goals.

Parking Ordinance Amendments

Acting Town Manager, Bryan Chrisman, stated that several items with respect to the Parking Ordinance need to be corrected or removed. Specifically, the State Code allows for the enforcement of the Fire Lane in public lots of more than 50 spaces. Lots of less than 50 spaces require owner approval. The revisions also remove the provision for parking meters which the town hasn't had in a very long time.

Councilwoman Pence asked about those who don't meet the parking standards according to the parking ordinance. Mr. Chrisman noted that some of these businesses predate the parking ordinance. Members also discussed 2-hour parking on Main Street during business hours.

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

EXECUTIVE SESSION

Real Property – 2.2-3711 (A) (3) Brown's Building and Main Street Bridge

Litigation – 2.2-3711 (A) (7) Linden Avenue

Personnel Matters – 2.2-3711 (A) (1) Town Manager

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing matters relevant to Section 2.2-3711.A.3, 2.2-3711.A.7, and 2.2-3711.A.1.

Motion: Councilman Lancaster motioned to recess the regular session and to convene in executive session; Councilman Schiro seconded the motion with the following members voting YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Motion: Councilman Dofflemyer motioned to adjourn the closed session and to reconvene in open session; Councilman Sours seconded the motion with the following members voting YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Motion: Councilman Lancaster motioned to certify the closed session; Councilman Schiro seconded the motion with the following members voting YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

ADJOURN

With no further business, the meeting was adjourned at 10:13 pm.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer