

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

MONDAY, MAY 09, 2016

The Luray Town Council met in regular session on Monday, May 9, 2016 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
John Meaney

Also Present:

Charlie Hoke, Town Manager
Mary Broyles, Clerk Treasurer
~~Danielle Babb, Deputy Clerk Treasurer~~
Ligon Webb, Town Planner
Chief Carl "Bow" Cook, Luray Police Department
Gina Hilliard, Luray Page County Chamber of Commerce
Jeff McMillan, Luray Downtown Initiative
Mike Uram, Stanley Town Council
Michael Fulcher, VDOT Staunton District- Program Manager
Mark Malone, Luray Planning Commission
Tyler Austin, Racey Engineering
Pat Racey, Racey Engineering
Rose Ann Smythe, Blue Ridge Heritage Project
Butch Fleharty, Comer Jones Post 621 -VFW
Erik Fox, Rezoning Applicant
Robert and Tammy Borgie, Special Use Permit Applicant

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

CONSENT AGENDA

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

Consent Agenda

- A) Minutes of Regular Council Meeting – 04-11-2016
- B) Minutes of a Council Work Session – 04-26-2016
- C) Financial Report for the Month Ended April 30, 2016
- D) Accounts payable checks totaling \$ 169,466.54

GENERAL CITIZEN COMMENT

Rose Ann Smythe, 127 S. Court Street, Luray- Blue Ridge Heritage Project

Ms. Rose Ann Smythe spoke to members regarding a project that is going on in the county and she hopes the Council will be interested. It is called the Blue Ridge Heritage Project and the purpose is to set up a memorial in each county to recognize families that were displaced to set up the national park. Ms. Smythe noted that she attended the dedication of the Madison County memorial in November 2015 and said she was very impressed by the support for the project. The monument consists of an abandoned stone chimney with a plaque that has the family names of all those displaced on county property. Ms. Smythe said that she has done a great deal of research and has come up with a list of families that she would like to circulate to check for any missing names. Ms. Smythe said she would like to spend some time researching the list of names for accuracy. She continued that a few meetings have been held to date and plans are to involve the Eagle Scouts and also the Luray Garden Club. Councilman Dofflemyer asked if a location had been determined. Ms. Smythe said that one has not been determined but that site suggestions are welcome. She advised that the next meeting will be held on June 7th at 6:30pm at the Massanutten School next to the library.

Mike Uram, 155 Cabbage Road, Stanley- Stanley Town Councilman

Mr. Uram said that he would like to take a moment to thank everyone for the Festival of Spring and commended a job well done.

Butch Fleharty, VFW Comer Jones Post 621

Mr. Fleharty thanked council members for their generous support of the post in several projects. Recently, the town assisted the post with the use of its bucket truck and operator. Also, the town has assisted with snow removal when possible. Mr. Fleharty said that the VFW has made a decision to move the location of its Veteran's Day Ceremony for 2016 in anticipation of increased traffic on Court Street. He explained that with the plans to replace Main Street Bridge and the associated logistics the ceremony will be held at the VFW post. Plans have been made for a military square at the Comer Jones Post and two soldier statues will replace the current cannon. He explained that the move in location will allow for a reception afterward. Mr. Fleharty invited the Mayor and Council to participate in the ceremony this November 11th.

PUBLIC HEARINGS

LPA of Luray, LLC Rezoning Request M-1 to B-1

Town Planner, Ligon Webb, presented the public hearing for LPA of Luray LLC. The applicant is requesting to rezone 1.262 acres from an M-1 (Limited Industrial) parcel to B1 (General Business). The subject parcel abuts both Cave Street and Zerkel Street and is adjacent to residential R3 parcels and a B1 parcel. The rezoning is linked to a Special Use Permit request to construct residential-use condominium style apartment buildings in a B1 zoning district. Such use is allowed only by Special Use Permit request. Mr. Webb said it is his personal opinion that this is a good location for the project and is easily accessible to downtown. Two existing buildings on the site will remain. In the future, the applicant may elect to divide the current “Hunt-n-Peck” location into smaller office/store size units with individual utilities and entrances.

Tyler Austin- Racey Engineering

Mr. Tyler Austin, Racey Engineering, spoke to members as the engineer on the project. Mr. Austin explained plans to remove the buildings located on Zerkel Street and the building that currently houses Bill Dudley’s office. Housing constructed would consist of fifteen units. Mr. Racey emphasized that the applicant is in compliance with the parking ordinance and has provided ample parking spaces and a loading/unloading zone. Mr. Austin also explained the right-of-way needed, utilities, curb and gutter, and proposed landscaping. Mr. Austin said that two themes have been consistent in recent council meetings and those are a desire for residential development near downtown and parking. He stated that this project fulfills both of those needs.

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

Motion: Councilman Lancaster motioned to approve the Rezoning Request for LPA of Luray LLC for an M-1 to B-1, motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

LPA of Luray, LLC Request for a Special Use Permit

Town Planner, Ligon Webb, said that this is a request to construct residential apartment units on a B1 Zoned parcel. This is only allowable by special use permit and would consist of fifteen condominium-style townhouse apartments in four building blocks. Three of the blocks would be along Zerkel Street and contain basement/street level parking. The fourth block would be constructed near the existing warehouse on the north-east property line. Mr. Webb has included additional considerations and recommended conditions in his staff report. The Planning Commission has approved the applicants’ request by a 5-1 vote.

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

Motion: Councilman Dofflemyer motioned to approve the Special Use Permit Request from LPA of Luray LLC with the conditions as recommended by staff (to revise # 2 to say adequate buffering- removing the word “landscaping”), motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

Councilman Sours suggested that at the time the site plan is considered a crosswalk in this area may be appropriate to discuss. Mr. Webb agreed that during the site plan review this would be an appropriate consideration.

Erik Fox – Rezoning Request R-2 to R-3

Town Planner, Ligon Webb, said that this is a rezoning request from applicant Erik Fox to rezone a R2 parcel to an R3 parcel. The subject parcel adjoins Collins Avenue with a sixteen foot frontage. The question for Council is if a decrease in density is appropriate. If approved, the applicant intends to proceed through a subdivision process with the Town Planning Commission and Town Council. If the subdivision process is approved the applicant intends to construct a duplex unit on each new lot for a total of four residential units. Mr. Webb explained that the commission approved the applicant's request by a 4-2 vote. The majority of the Planning Commission believed the increase in density would not be an issue. However, two commissioners did not vote to approve the request and believed the site more appropriate for single family homes. Mr. Webb said there seems to be a need for this type of housing but the determination for Council is if the change in density is warranted. Mr. Fox provided a proffer letter prior to the start of the meeting, which was provided to Council members. Mr. Webb said that there is one neighbor who is in opposition of the project. Mr. Webb explained that he has proffered a landscape buffer and also single story units as opposed to two story units. If the rezoning were approved, Mr. Fox would still need to proceed with the subdivision process.

Councilman Schiro asked if Mr. Fox is the owner of the property. Mr. Fox stated that he has the property under contract at this time. Mr. Webb said that the current owner of the property has signed off on Mr. Fox's application. Councilman Schiro questioned what would happen if the property were rezoned and Mr. Fox did not proceed with the purchase. Mr. Webb said that the rezoning would apply to the property and that another owner would need to follow suit with Mr. Fox's plans. Mayor Presgraves and Councilman Lancaster requested the width for ingress/egress, whereas the property has a 16 foot entrance on Collins Avenue. Mr. Fox discussed that he thinks the entrance could be as much as 25 feet at Collins Avenue. Council members discussed concerns about the entrance to the property. Mayor Presgraves expressed concerns about neighboring property values that may be affected by the rezoning.

Mayor Presgraves then opened the public hearing for citizen comment.

Jean Bradford- 24 N. Mayre Lane

Ms. Bradford said that her property is adjacent to the parcel being discussed. She said that she is against this because she does not want to disrupt the view from her property. Ms. Bradford said that the current owner has infringed upon her property and upon Mr. Dees' property. She said that the current owner allowed neighbors to pass through her property to access this parcel. Some shrubbery has been added to define her property line. Ms. Bradford said she is also concerned about potential depreciation of her property.

Erik Fox- Rezoning Applicant

Mr. Fox explained that Ms. Bradford requested he construct a fence to separate the properties. Mr. Fox felt this would block the entire view and he suggested some evergreen trees/landscaping. Mr. Fox explained that his homes are nice facilities that match the existing community. He explained that there is a demand for single story living with shared maintenance. He said that there is a desire for shared lawns, parking, etc. and properties with generally less maintenance, especially among elderly citizens.

Mayor Presgraves then closed the public hearing.

Councilman Schiro said that he has some questions that have been raised in the past dealing with shared maintenance. He discussed shared entrances, property maintenance, etc. and questioned who will administer these responsibilities. Mr. Fox said that at the time they are sold, this would be determined in a private agreement. Councilman Schiro said that while that is the case, the Council is approving these terms and has an

obligation to residents to ensure these issues are taken care of. Mr. Webb said that he feels these are matters for real estate laws between the buyer and seller and is uncertain of the any role the town would have. Councilman Sours said the town wouldn't have a role until the maintenance is neglected. Councilman Schiro said that the town certainly has the authority to ensure this is administered. Mr. Webb suggested consulting with the Town Attorney. Mr. Fox said that the point is well taken and that this does need to be determined by a list of covenants. He recognized that snow removal and lawn care will be shared maintenance issues. Councilman Schiro also raised concern about the compatibility of the units where the parcel is surrounded by R2 Zoned dwellings. Mr. Webb said that he feels the issue is if the Council sees the change in zoning as warranted.

Mr. Fox said that he can more than meet the setbacks required for the housing. He stressed that a ½ acre lot of land is too valuable to go unused. Mr. Webb asked Mr. Fox if he would proceed with two single family homes. Mr. Fox said that his intention is to subdivide the property and build two duplex units. He said that the lots are worth building on regardless. Councilman Lancaster said that he is uncertain if the applicant can meet the subdivision requirements. Councilman Lancaster and Mr. Fox discussed opposing viewpoints on curb and gutter/sidewalks as required by the subdivision regulations. Council members reminded that the question at hand is the rezoning. Councilman Sours said that he appreciates everyone's comments and recognizes the need for quality, affordable housing in the community.

Motion: Councilman Sours motioned to approve the request from Erik Fox for Rezoning R-2 to R-3, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Sours, Vickers. NAY: Lancaster, Meaney, Dofflemyer, Schiro. **Denied 4-2**

Amendment to Town Zoning Mixed – Use Development

Town Planner, Ligon Webb, said that a request had been made regarding allowing downtown/commercial zoned structures to be used for both residential and commercial purposes. Generally, downtown commercially zoned lots provide commercial/retail space on the lower level and some provide residential spaces on the secondary level. Currently in the B1 Zoning district this is allowable by special use permit. Mr. Webb is recommending that the use be "allowable by right" in the B1 Zoning district. Councilman Lancaster said that most of Main Street is already this way and that he sees no reason to change the special use permit process. Councilman Lancaster said this provides Council some control over the use and is merely a safeguard. Members discussed short term rentals and that they are by-right in a B1 district. Councilman Schiro agreed with Mr. Webb that having a mixed use ordinance by-right does give incentive to retail businesses. Both Councilman Schiro and Councilman Lancaster said they could not foresee any special use request not being approved. Councilman Schiro said that encouraging development is critical to a lively downtown.

Mayor Presgraves opened the public hearing for citizen comment.

Mark Malone- Luray Planning Commission

Mr. Malone clarified that the vote was not unanimous. Commissioner Malone said that he voted against the change because he did not feel requesting a special use permit was onerous. Mr. Malone said that he felt the process was not overly burdensome and would at least let members know your plans.

Councilman Lancaster said this would also give Council the opportunity to address parking issues as well. Councilman Meaney said that he felt Luray's downtown was a good place to have mixed use zoning and do so successfully. Mayor Presgraves closed the public hearing.

Motion: Councilman Schiro motioned to approve the Amendment to the Town Zoning Ordinance for Mixed-Use Development, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Sours, Meaney. NAY: Lancaster. **Approved 5-1**

Robert & Tammy Borgie- Special Use Permit Request B&B in R-2

Town Planner, Ligon Webb, presented the special use permit request from Robert and Tammy Borgie for a Bed and Breakfast Operation in an R-2 Zoning District. Bed and Breakfast operations are allowable in an R-2 zoning by special use permit, the proposed dwelling is located at 7 Blue Ridge Avenue. Blue Ridge Avenue was added to the specific R-2 areas of town that can support such facilities. Mr. Webb said that he feels the property is an ideal location for a Bed and Breakfast facility and contains ample on-site parking.

Mayor Presgraves then opened the public hearing. With no comments, the hearing was then closed.

Motion: Councilman Lancaster motioned to approve the Special Use Permit Request from Robert and Tammy Borgie as presented, motion seconded by Councilman Dofflemyer with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

DEPARTMENTAL REPORTS

Planning and Zoning

Town Planner, Ligon Webb, said that there were several vacancies on the Board of Zoning Appeals. Councilman Meaney, Sours, and Vickers all have appointments that need to be made to the BZA. Mr. Webb advised that next month the Planning Commission will hear another request to construct duplexes. The subject parcel is on Dogwood Lane. The applicant is requesting a vacation of right-of-way.

TOWN AFFILIATED BOARDS AND COMMISSIONS

LURAY DOWNTOWN INITIATIVE

Jeff McMillan, Luray Downtown Initiative

Jeff McMillan reviewed LDI's first Chicken Chow Down weekend. He quoted Rod Graves compliment regarding the event "hats off to you for the best LDI event in our history..." . Mr. McMillan noted a very good attendance Friday evening at the Burner Barn Dance despite the rain. He reported that nine chicken dishes were prepared for judging. The next evening a bingo event was held at Dubliner's and a Sunday Mother's Day brunch was held at the American Legion. Mr. McMillan said LDI hopes the event will be an annual one.

Mr. McMillan said that he volunteered to help at the Festival of Spring and complimented Pat O'Brien and Morgan Housden on the event. Saturday, May 14th, LDI and Racine MultiSports will cosponsor the TRI movie premier at 7pm at the LHS auditorium. Previous events attended by LDI included the downtown bike race, Arbor Day, and the Earth Day 5K. Upcoming events include the opening for the Manor House in June, continued work with Vision Luray, radio hosting, downtown Wi-Fi discussion by the Page County Board of Supervisors at the June 7th meeting, work on an investor's brochure, and working with the Leadership Award Committee for the Page News and Courier. Mr. McMillan said that he will be attending the National MainStreet Conference in Milwaukee at the end of the month.

Councilman Lancaster complemented the town staff on the clean-up from the weekend's events. He said that with all the activities going on over the weekend, the entire town was cleaned up by Saturday evening.

LURAY PAGE COUNTY CHAMBER OF COMMERCE

Gina Hilliard, President

Ms. Gina Hilliard highlighted several happenings at the Chamber for the month and included these in the written report. She noted that Priscilla Montcalm is currently out on maternity leave and a new part time employee was hired at the chamber, Ms. Kelly Zitzer. Ms. Hilliard noted that the May newsletter is out and also mentioned a recent visit from Congressman Bob Goodlatte. Ms. Hilliard noted chamber membership outreach for the month. The chamber received 124 local calls for the month of April, local walk-ins of 294, tourist calls were 81, tourist walk-ins were 918, and unique web hits increased to 8,983. Ms. Hilliard also updated council members on web and social media statistics for the chamber.

Ms. Hilliard reviewed meetings attended for the month of April and upcoming meetings for May 2016. The chamber along with Pat O'Brien and Morgan Housden attended the Tourism Tuesday radio show recently. Other past events included the Cabin Capital open forum, Business After Hours at River Hill Distillery, a ribbon cutting event, the Community Yard Sale, and a volunteer appreciation day. Upcoming events for May include the Business Networking Breakfast on May 12th and the Business After Hours on May 18th hosted by Shenandoah Speedway. On Tuesday May 24th the Chamber will host a "Sip & Create" at 6pm at the Warehouse Art Gallery. Ms. Hilliard reminded that the Chamber will hold social media classes in May and June, every Thursday from 2-4pm.

Updates and Discussion Items- The Chamber Mud Race at Ralph Dean Park

Mayor Presgraves asked Ms. Hilliard to proceed with the agenda item for discussion of the Chamber Mud Race at Ralph Dean Park. Mayor Presgraves said that council members had visited the proposed site. Ms. Hilliard asked for any questions from council members. Mayor Presgraves asked if all members were in agreement to permit the mud race at the park. Mayor Presgraves verified that the event is insured. Councilman Lancaster suggested there may be an issue with the detention pond holding water. Council members unanimously consented to the location of the Chamber's mud race.

UPDATES AND DISCUSSION ITEMS

Bridge Funding Update

Town Manager, Charlie Hoke, said that Assistant Manager Bryan Chrisman had provided a very detailed staff report for consideration. Mr. Hoke said there are three separate funding options remaining. Those options are the bridge replacement fund, the state of good repair fund, and the revenue sharing funds. Mr. Hoke said that Mr. Chrisman has done a very good job on this and introduced representatives from VDOT, Mr. Michael Fulcher, and Pat Racey and Tyler Austin of Racey Engineering.

Michael Fulcher, VDOT - District Program Manager

Mr. Fulcher addressed members and said that he serves the Harrisonburg residency areas of Rockingham, Augusta, and Page Counties and the towns and cities within those. Mr. Fulcher serves as the project coordinator for the town on the Main Street Bridge Replacement. Mr. Fulcher said that he is present to answer any questions council may have in regards to funding.

Mayor Presgraves said that the focus of funding involves two factors; how much and when. Mr. Hoke said that the recommendation from staff and VDOT is to take no action at this time and allow the process to continue. Councilman Sours asked if moving forward with Revenue Sharing funds would jeopardize any further funding. Mr. Fulcher said that he has addressed this concern on behalf of the project team and council. He said that there has been no indication that this would jeopardize other funding sources. Mr. Fulcher said the bridge's deficiency rating allows it to qualify for State of Good Repair monies. Mr. Fulcher said that the Commonwealth Transportation Board will meet later this month to take action on these funds. Councilman Schiro confirmed that allowing the revenue sharing to flow in would allow the town to submit requests for proposal. Mr. Fulcher said that this could be done, however the expectation would be to proceed with awarding the bid. He cautioned that if the town is not sure they want to spend the revenue sharing, he would recommend holding off to find out if the town will receive State of Good Repair dollars. Mr. Fulcher said he anticipates receiving bridge scoring sometime in July 2016. He said that this funding was not supposed to go into effect until fiscal year 2020 but due to ideal revenues, the funding will be moved up to fiscal years 2017, 2018, and 2019. He said that the town is very close to obtaining this critical information and he would advise waiting a little longer to issue an RFP. Councilman Schiro asked how long it would take to get out the RFP upon receiving information about funding in July. Pat Racey, Racey Engineering, said that the project team is working on the RFP as if funding will be available between July and September. Councilman Meaney said that this approach seems different than the discussion at the work session. Mr. Fulcher clarified that the project team is recommending proceeding with the request and acceptance of the revenue sharing funds, which requires no formal action at this time. Mr. Fulcher explained that he is recommending an RFP not be issued until the more funding information is received regarding State of Good Repair monies. Councilman Sours asked about the effects of not utilizing revenue sharing funds. Mr. Fulcher said that these funds would eventually be reallocated but would also allow the town to transfer the funds to another town project. Mayor Presgraves and council members thanked Mr. Fulcher for attending the meeting and were pleased with the new information.

ITEMS FOR COUNCIL ACTION

Tree and Beautification Committee Appointment

Town Manager, Charlie Hoke, said that Councilman Meaney has a vacant appointment on the town's Tree and Beautification Committee. Councilman Meaney stated that he would like to appoint Ms. Carol Angiers.

Motion: Councilman Meaney motioned to appoint Ms. Carol Angiers to the Luray Tree and Beautification Committee, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

Personal Property Tax Relief Resolution

Mr. Hoke advised members of the annual resolution for Personal Property Tax Relief. This year's rate has been determined at 61.5% relief for qualifying vehicles.

Motion: Councilman Sours motioned to approve the Personal Property Tax Relief Rate of 61.5% as presented, motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

ANNOUNCEMENTS/ ADJOURN

Mayor Presgraves reminded members of the Memorial Day Parade in Shenandoah on May 28th. He asked for those council members who plan to attend to advise him in advance.

With no further business, the meeting was adjourned at 9:03pm.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer