

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

MONDAY, NOVEMBER 9, 2015

The Luray Town Council met in regular session on Monday, November 9, 2015 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
Assistant Chief Carl "Bow" Cook, Luray Police Department
Ronnie Good, Planning Commission Chair
Jeff McMillan, Luray Downtown Initiative
Gina Hilliard, Luray Page County Chamber of Commerce
Mike Uram, Stanley Town Council
Doug Stader, Virginia Division of Highway Safety
Leah Pence, The Chapman House- Parking Ordinance
Daniel Fouse and Jim Fargo, Dubliners Pub- Parking Ordinance
Jason Pettit, Parking Ordinance
Melinda Kramer, The Laurance- Parking Ordinance
John Lionberger, Parking Ordinance

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 Sours 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 – 10-13-2015
- B) Accounts payable checks totaling \$ 88,434.04

GENERAL CITIZEN COMMENTS/ PRESENTATIONS

Doug Stader- Public Safety & Emergency Services Award Presentation

Mr. Doug Stader, Virginia Highway Safety Office of DMV, thanked members for allowing him to recognize the police department at this evening's meeting. Mr. Stader explained that the division's mission is to prevent crashes and fatalities on Virginia Highways and partners with local law enforcement agencies to do so. Many different promotional programs exist and this evening the Luray Police Department is being recognized for the Click-It-Or-Ticket Program. Mr. Stader explained that LPD is being recognized for having the most improved safety belt rating. Mr. Stader explained that the department began its program this year at a rate of 50% and improved to a rating of 75%. Mr. Stader presented Assistant Chief Bow Cook with the award for the department for most improved safety belt rating.

Mike Uram- 155 Cabbage Road, Stanley, Virginia

Mr. Mike Uram commended the town and recreation department on the new handicapped fishing pier that was dedicated this weekend. He congratulated the donors and citizens of the community.

PUBLIC HEARINGS

Special Use Permit- Lee Hoke

Town Planner, Ligon Webb, stated that the special use permit is requested by Mr. Lee Hoke of 514 Luray Avenue. Mr. Lee Hoke is requesting a special use permit to convert an existing accessory structure into an Accessory Dwelling Unit. The subject parcel is zoned R4 (High Density Residential) and an ADU is allowable by special use permit. Mr. Webb explained that in 2009, ADU's were added to the Town Code as "allowable by special use permit" in the R3 and R4 zoning districts in an effort to create affordable housing. Mr. Webb displayed a map view of the subject parcel and structure. Mr. Webb added that there is a separate water/sewer tap already in existence on the property. The Planning Commission approved the special use permit by a 5-0 vote at its previous meeting.

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

Motion: Councilman Vickers motioned to approve the request for Special Use Permit from Lee Hoke for an Accessory Dwelling Unit as presented, motion seconded by Councilman Meaney with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

Amendment to the Parking Ordinance

Town Planner, Ligon Webb, stated that the public hearing is in regards to the amendment of Section 506 of the Town Code. Mr. Webb presented a power point presentation to review the changes to the ordinance. The

presentation also mentioned parking issues in the news, an inventory of Luray's downtown parking, and compared the ordinance to neighboring localities. Mr. Webb added that after public input, the town has publicly advertised creating a waiver system. He explained that town staff would like to see downtown buildings full and vibrant. Mr. Webb said that during his ten years with the town, he has never seen the town deny a business license due to parking. He explained that the town has always been willing to help the business owner determine a plan for parking and work towards a solution. He acknowledged that in some areas no parking exists. Mr. Webb provided the revisions to the ordinance in Council's informational package. Section 506.1 addresses the size of the parking space and changes to 506.3 are not substantial and simply re-word the existing language. Proposed Section 506.4 provides that the required spaces be located on the same lot as the principal use or on a properly zoned lot which is within 1200 feet of the principal use. Mr. Webb said that the proposed addition of Section 506.22 would provide for a waiver process. Many existing downtown structures were constructed prior to the widespread use of motor vehicles. The proposed change would allow for existing structures located between Memorial Drive and Bristol Avenue to request a waiver from the standard requirements. The applicant would provide a written request to the Zoning Administrator along with additional documents such as sketches or visuals. All required documents would be reviewed by the Zoning Administrator and then forwarded to the Town Council for consideration at the next regularly scheduled meeting. The Council would review the waiver of request and render an approval or disapproval. Mr. Webb explained that this would not require a public hearing or advertising.

Councilman Schiro said that while this appeal to the Council would not require a public hearing, it would be prudent to advertise that the council is considering this. He said that this would allow for notification to neighboring merchants despite the lack of a formal public hearing. Councilman Vickers inquired about buildings (such as the former Artisan's Grill) that have zero parking. Councilman Schiro said that a lack of parking in town would be a favorable thing. He also suggested that these waivers be tracked for record keeping purposes. Mr. Webb said that his experience in working with the Council, he has seen the town be very reasonable and accommodating to new businesses. Mr. Webb said that the town has always been adaptable to the situation but the town code currently doesn't reflect this. Council and staff discussed the timeline for the proposed waiver process. Mr. Webb said that the waiver could be discussed by the council at the next regular meeting, so no more than a month. Mr. Schiro said that by informing the public this would allow the council to explain why they are rendering an approval or disapproval and that the decision is not arbitrary.

Mayor Presgraves opened the public hearing for citizen comment.

Leah Pence- 1604 Honeyville Road, Stanley, Virginia

Ms. Leah Pence provided a power point presentation and urged Council not to amend the town's parking ordinance but rather to rewrite the parking code entirely. Ms. Pence described a walking problem downtown not a parking problem. She said that she is unaware of any plans by the town to create more downtown parking such as a parking deck. Ms. Pence said that currently over 90% of the downtown district is not following the code as written. The power point presentation addressed three main concerns; 1) how many parking spaces should a private business provide, 2) how many private parking spots should the town provide, 3) how will the town and taxpayers pay for parking. She explained that her suggestion is not to make the amendment process easier. Ms. Pence reviewed her calculations for the necessary number of spaces for several business examples, including her own business The Chapman House. Ms. Pence furthered that being asked to apply for the waiver is just another step in an already stressful process. Ms. Pence said she feels that many other businesses are not being held to the same standards. She suggested a historic district exemption, lower parking requirements, or a town provided parking deck. Ms. Pence expressed that by amending the ordinance for the waiver process the council is not finding a long term solution. Lastly, she urged members not to pass the proposed amendment at this evening's meeting.

Jason Pettit- 111 N. Court Street, Luray, Virginia

Mr. Jason Pettit said that he will be affected by the parking ordinance when he opens a business at his Main Street property location. Mr. Pettit said he has done some research and has attended the previous Planning Commission meeting. He feels that the commission is on the right track with these revisions but has some information to offer. Mr. Pettit said that he has contacted the cities of Harrisonburg and Staunton regarding their downtown revitalization efforts. He found that both of these cities do not require off-street parking in their historic district. Mr. Pettit acknowledged that new businesses coming to town that are being constructed outside the historic district are able to conform to the town's parking ordinance. Mr. Pettit noted several public parking areas that provide more than adequate parking unless there happens to be a special event. Mr. Pettit also noted that public parking can act as a source of revenue for the town. He thanked members for their efforts and for opening this subject up to public comments. Mr. Pettit advised that he is favorable to the waiver process and that special considerations for the historic district may also alleviate concern from business owners.

Melinda Kramer - 2 S. Court Street, Luray, Virginia (The Laurance Hotel)

Ms. Kramer explained that she is the owner of The Laurance Hotel and recently has been through the phases of opening a new business. She said that after renovating six buildings in various localities, she has dealt with many different boards and commissions. Ms. Kramer said it has been her pleasure to work with the town and receive support of her project. Ms. Kramer said that additional parking can't be created in the downtown district and she does not understand why such an ordinance is in existence. She also suggested the town create planned parking to remedy this situation. Ms. Kramer noted that she spent over \$100,000 on parking during renovations at her building and that very few investors will be able to make such a commitment. Ms. Kramer encouraged the Council to work on a plan for funding future parking so that all downtown businesses may succeed. —————

John Lionberger – 102,104,106 West Main Street, Luray, Virginia (Lionberger Brothers LLC)

Mr. Lionberger said that he is not only a business owner but a property owner in downtown Luray. Mr. Lionberger said that fortunately his business does not require any parking. Mr. Lionberger added that one of his buildings does have ample parking only because an adjacent structure was at one time torn down. He expressed that he would like to see further business development in Luray and hopes the town can be "pro-business". Mr. Lionberger agreed with Mr. Pettit and urged the Council to look at an exception for the historic district.

With no further comments, Mayor Presgraves closed the public hearing.

Town Planner, Ligon Webb, commented on Mr. Pettit's discussion of the historic district exemption. Mr. Webb said that concerning long-term parking, a parking deck is not common for towns of this size and are extremely expensive. Mr. Webb reminded that when calculating the number of parking spaces the "unusable" square footage is subtracted from the total. Mr. Webb said that town staff has done its best to work with the existing code. He noted that he is comfortable with the existing public parking lots and the way parking has been handled over the past years. Mr. Webb said that it is important to look at situations individually but to also have standards for comparison. Councilman Dofflemyer said that he believes the council is moving in the right direction but doesn't feel their work is done. Councilman Dofflemyer agreed that many people could be looking at the town's parking ordinance online and potential business could be lost because of this. He would like to see the council approve the current proposal and then continue work on the ordinance. Councilman Schiro said that staff needs to be consistent in following its ordinance and feels it is important to work with new businesses. He agreed that there needs to be some standards for comparison.

Ms. Kramer said that she feels the ordinance is stopping historic redevelopment. Ms. Kramer explained her decision to invest in private parking on her property.

Mayor Presgraves suggested looking further at the historic district. Councilman Vickers suggested eliminating the historic district from the ordinance. Mr. Webb said that he would like to have had this discussion during the Planning Commission's process. He said that while this is a minor change to the ordinance, it would be substantial enough to warrant another public hearing advertisement process. He suggested approving the proposed ordinance and then implement an addition to the code in a few months, regarding the historic district exemption. Mr. Webb said that the hearing could be set for the January Council meeting. Councilman Sours said that it would be practical to do some sort of parking study and find out what kind of surplus exists. Councilman Schiro agreed on the Planning Commission review of a historic district exemption, but passing the current proposal in the interim.

Motion: Councilman Vickers motioned to approve the parking ordinance revisions with the correction for a waiver process to go before the Town Council for existing and new buildings, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

Town Planner, Ligon Webb, said that the commission would work on an amendment to add to the ordinance concerning the historic district. Mr. Webb encouraged the public to attend the planning commission meeting and make comments. Councilman Meaney asked for comment from the public. Attendees said that they are in favor of the discussion about the historic district. Ms. Kramer said that the Council has been very gracious but asked that they follow through by January as indicated. Mr. Dan Fouse asked if the waivers would be transferrable. Mr. Webb said that the code says the waivers are transferrable so long as the "use" is not changed. Mr. Lee Hoke said that in the historical district it is "ok" to walk and enjoy the downtown shops. However, new businesses located where ample parking is available should conform to the standards. Planning Commission Chair, Ronnie Good, suggested everyone look at this from the perspective of the residents, especially the elderly. He added that many places are not handicapped accessible and that having this type of parking available is incredibly important.

DEPARTMENTAL REPORTS

PLANNING AND ZONING

Town Planner, Ligon Webb, noted that the Planning Commission will have one rezoning request from Chris and April Judd to rezone a roughly two acre parcel from R1 to General Business (with conditions). Mr. Webb said that the commission will also review the triplex ordinance which has been advertised. Mr. Webb updated members on the Memorial Drive/West Main Street VDOT Revenue Sharing Project. Mr. Webb said that one RFP was received for the engineering and design at a cost of \$39,000. Once reviewed by VDOT, the town will enter into contract with Racey Engineering to complete the scope of work. Mr. Webb updated members on the town's Facebook account. He noted that the town now has over 1,900 "likes" and continues to be a useful tool for information and photos.

TOWN AFFILIATED BOARDS AND COMMISSIONS

LURAY DOWNTOWN INITIATIVE

Jeff McMillan, Luray Downtown Initiative

Director, Jeff McMillan, noted LDI's focus is on entrepreneurs and filling vacant businesses as it relates to the discussion on the parking ordinance. Mr. McMillan advised council members of several recent facade improvements; including the Janney and Janney building, the Chapman House, and Mama's Treasures. He noted that the Mick or Mack Building has obtained permits and has begun interior improvements. Also, Dubliner's Pub has held a recent event and plans to open to the public soon. The annual Trick or Treating on Main was held and over 300 children attended. Mr. McMillan said that the LDI office continues to improve with the purchase of new technology. He added that quarterly reports have been filed with Richmond and that Sara Levinson will be taking over the accounting duties in an effort to save on accounting firm fees. Upcoming events include "Second Saturdays" downtown, a morning program at the local radio station, and the Turkey Trot. Mr. McMillan noted a recent Vision Luray meeting/task force luncheon. He added that LDI has invested in publishing additional downtown brochures that include new updates.

LURAY PAGE COUNTY CHAMBER OF COMMERCE

Gina Hilliard, Interim Chamber Director

Ms. Gina Hilliard began by asking members to write down three things; 1) an improvement that the chamber can make for members, 2) something the chamber should do for the "town" itself, 3) something the chamber is currently doing that they should continue.—Ms. Hilliard also provided council members with a copy of the improved chamber newsletter. She said that the document has expanded from a postcard to a four page newsletter, which also includes a member spotlight and focus on new members. The chamber has also applied for the VTC Grant and is hopeful to receive an award for marketing funds. Ms. Hilliard thanked the town for their annual Chamber and Tourism contributions. She added that with these funds, a very aggressive advertising campaign is made possible.

Statistics for the month of October include 460 tourist phone calls, 485 local calls, 2,280 walk in visits, and 6,267 unique web hits. The visitors guide was mailed to 2,368 visitors and 167 were downloaded visitors guide.

Ms. Hilliard noted the recent United Way kick-off campaign that was held at the Warehouse Art Gallery. The Luray Triathlon recently donated \$14,105 to the Page County United Way. Chamber staff also recently assisted with set-up for the Halloween Event at R.H. Dean Park. Ms. Hilliard reviewed the Annual Banquet and noted new chamber board members and banquet sponsors. The 2015 business award winners were Main Street Bakery, Page Memorial Health and Fitness, Stover Hall, and Mike Salvino received volunteer of the year. Other recent events included the grand opening of Advance Auto Parts, who contributed \$1,000 to Page County United Way.

Ms. Hilliard said that she will be attending several upcoming meetings. Upcoming events for the Chamber will include an Open House at the Chamber office, Stanley Christmas Parade, Luray Christmas Parade, yearly calendar planning meeting, and the December Business After Hours at the Mimslyn Inn.

UPDATES AND DISCUSSION ITEMS

Town Right of Way Parking Requests

219 West Main Street

Town Manager, Charlie Hoke, presented a request from the owner of 219 West Main Street to eliminate two on-street parking spots located in front of the building. Mr. Hoke said that adjacent property owners have been notified of the request. Several responses were received and requested that these spaces not be removed. Based on these comments, staff is requesting that these parking spaces remain on Main Street and recommend a one-way entrance into Dubliner's Pub parking lot. Councilman Vickers said that he finds it hard to eliminate parking spaces on Main Street.

Motion: Councilman Vickers motioned to approve staff's recommendation to keep the public parking open in front of 219 West Main Street as discussed, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Schiro, Lancaster, Sours, Meaney. NAY: Dofflemyer.

Approved 5-1

The Laurance Hotel

Mr. Hoke said a second request is from the Laurance Hotel who would like one handicap parking space and one 15-minute parking space for loading and unloading. The location on Court Street has three parking spaces available for use. Mr. Hoke said that staff recommends approval of this request.

Motion: Councilman Vickers motioned to approve the request from The Laurance Hotel for one handicap parking space and one 15-minute parking space, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Sours, Meaney. NAY: Lancaster.

Approved 5-1

EXECUTIVE SESSION

Councilman Schiro said that he has sent a memo to Council and advised that according to the Virginia Conflict of Interest Act, elected officials have to disclose conflicts, file financial statements, etc. Councilman Schiro said that he has asked some questions to the ethics council. Mr. Schiro said that due to several mortgages he holds for one of the applicants for Town Attorney, he will abstain from the Executive Session discussion. Mayor Presgraves excused Councilman Schiro from this portion of the meeting.

Personnel, 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.1.

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

Motion: Councilman Sours motioned to adjourn the closed session and to reconvene in open session; Councilman Lancaster seconded the motion with the following members voting YEA: Council Members Vickers, Dofflemyer, Lancaster, Sours, Meaney. ABSTAIN: Schiro. **Approved 5-0**

Mayor Presgraves asked members of Council to certify that to the best of their knowledge only matters covered under Section 2.2-3711.A.1 were heard, discussed, or considered during the closed session. **The roll was called with all members certifying “Yes”.**

Motion: Councilman Vickers motioned that the Town Council not hire an attorney and hire legal counsel on an as needed basis only, Councilman Lancaster seconded the motion with the following members voting YEA: Council Members Vickers, Dofflemyer, Lancaster, Sours, Meaney. ABSTAIN: Schiro. **Approved 5-0**

ANNOUNCEMENTS/ ADJOURN

Mayor Presgraves reminded Council Members of the upcoming Christmas Dinner on December 11th and parade on December 12th. Mayor Presgraves said that the town has also received an invitation to the Town of Stanley parade on December 5th.

Mayor Presgraves also asked if Councilman Vickers had any updates on the swimming pool research. Councilman Vickers said that he has talked with many different people and plans to visit several locations. Mr. Vickers said that it is still too early for a cost analysis.

Councilman Dofflemyer complimented the new “building and zoning” brochure. Mr. Hoke said that Ligon Webb had put together this information to explain the zoning and permitting process as it relates to the town. Mr. Hoke explained the process and said that often the delay lies with the county building and zoning office. Mr. Hoke said that staff is trying to address this process so citizens understand the steps involved. Councilman Lancaster suggested that the applicant be given a form that shows the town’s completion of their portion. Council members suggested that the applicant be responsible for the transfer of paperwork to the county.

With no further business, the meeting was adjourned at 9:50pm.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer