

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

MONDAY, AUGUST 14, 2017

The Luray Town Council met in regular session on Monday, August 14, 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
Mary Broyles, Treasurer
Danielle Babb, Deputy Clerk Treasurer
Carl "Bow" Cook, Chief of Police
Ken Beyer, Hawksbill Greenway Foundation
Meredith Dees, Luray Downtown Initiative
Mike Uram, Stanley Town Council/ Page Alliance for Community Action (PACA)
Cathy Herbert, 201 Hawksbill Heights Drive
John Hyltoft, 203 Allison Drive
Margaret Stevens, Hawksbill Greenway Foundation
Eleanor Ames, Hawksbill Greenway Foundation
Rodney Jenkins, Baker Development

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 Schiro 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, Pence. **Approved 6-0**

Consent Agenda

- (A) Minutes of the Regular Council Meeting – 7-10-2017
- (B) Minutes of a Council Special Meeting – 7-18-2017
- (C) Minutes of a Council Special Meeting – 8-8-2017
- (D) Accounts payable checks totaling \$ 326,008.44
- (E) Adjusting Entries for FY 2016-2017 year end

Motion: Councilwoman Pence motioned to amend the agenda to add three items; Town Hall Meetings, New Business and Unfinished Business categories, and Communications Contact for the Town of Luray. Motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

GENERAL CITIZEN COMMENTS

Mike Uram, Page Alliance for Community Action (PACA)

Mr. Uram spoke to Council regarding the local Movie Night events that have been held recently. He said the final event in the series was held Saturday night at the Ed Good Park in Stanley and he hopes to see this continue next summer also. Mr. Uram commended the Town for allowing the movie night at the RH Dean Park and for the use of the ball field. Mr. Uram thanked Council members for their diligence in providing services like these to the town residents.

Cathy Herbert, 201 Hawksbill Heights Drive

Ms. Herbert told Council members she would like to reiterate her support for the Greenway expansion. She added the next phase of the trail would pass by her residence and it is a great resource for residents of the town and visitors. Ms. Herbert stated she would like to see the project proceed as a whole rather than in phases.

John Hyltoft, 203 Allison Drive

Mr. Hyltoft spoke regarding his residence at 203 Allison Drive and his concerns about the potential for neighboring businesses. Mr. Hyltoft purchased the residence under the conditions that this was going to be a planned neighborhood community. He expressed concern over the potential change in zoning from PND to B1 surrounding his property. Mr. Hyltoft discussed the possibility of a buffer area around his residence.

PUBLIC HEARINGS

Baker Development Rezoning- PND to B1

Acting Town Manager, Bryan Chrisman, presented the public hearing for Baker Development. The applicant has requested to rezone eighteen existing PND lots to B1 Commercial. If approved for rezoning, they will submit a boundary line adjustment application to consolidate these eighteen lots into four larger lots. He reminded that tonight's request is only for the rezoning and also said that Lord Fairfax Community College will have an identical request for their portion of the property at Luray Landing. The applicant has several buyers interested in the proposed four newly created lots. Mr. Chrisman explained the demand for these lots has changed from residential to business.

Councilman Dofflemyer inquired if a buffer zone is indeed required between residential and business zoning. Mr. Chrisman said the applicant would be required to have a buffer between these lots and residents such as Mr. Hyltoft. Councilwoman Pence expressed concern that buyers purchased these lots with the understanding this would be a Planned Neighborhood Development. In her opinion it isn't simply a change of land use but rather about protecting the rights of lot 39 and 40 homeowners.

Councilman Schiro noted that business lots are what is profitable currently and that Council can help the homeowners by pursuing additional screening above and beyond what is required. Councilman Schiro said if developers are indeed interested in commercial property then this is the best suited area. He explained there is a

need to protect the residential properties, but is in favor of allowing the developer to utilize their rights. Members of council continued to discuss ways to protect the two residential parcels in this area. Mr. Chrisman identified that the Planning Commission vote on the issue was a 4-2 approval.

Mayor Presgraves opened the public hearing for citizen comment.

John Hyltoft, 203 Allison Drive

Mr. Hyltoft discussed the preservation of his property and would like a piece of land adjacent to his residence as a buffer.

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

Councilman Vickers inquired if the rezoning is an “all or nothing”, or if less lots could be rezoned or more conditions be attached. Councilman Schiro asked Mr. Jenkins if Baker Development would be willing to consider a larger buffer. Mr. Schiro said business use is by-right in the PND district. Mr. Chrisman said the Planning Commission did discuss various options and stated that no homeowners’ association has been formed to this point. Mr. Chrisman reiterated the primary concern is the area of lot 13, but if it becomes a B-1 it is required to provide a minimum 20 foot buffer.

Councilwoman Pence stated the problem is with the “change of use” in existing properties and mentioned the old Markowitz building, now housing Page One, as an example. She said she has received some complaints from this area. Ms. Pence said she would be in favor of the rezoning, with the exception that lots 41, 36, 37, and 38 be left as open space.

Councilman Schiro stated that staff has done a good job with this proposal. He supported approving this contingent upon staff’s recommendations of an updated master plan and by adding a buffer. Councilman Schiro said the developer has very graciously provided a nice space for a future college campus and Council needs to take this into consideration. Mr. Schiro said if we require a buffer that the homeowner is agreeable to, then he is not opposed to the rezoning. Councilwoman Pence countered that this is still not enough in her opinion. Councilman Vickers questioned if this is satisfactory for the homeowner. Mr. Hyltoft’s daughter asked if it would be worthwhile to preserve the area for student housing and spoke of other community colleges with adjacent housing. Council member recognized her point, but noted this will serve as a satellite campus for LFCC.

Motion: Councilwoman Pence motioned to approve the Baker Development Rezoning, with the exception of lots 41,36,37,38 and the open space. No Second. **Motion Dies.**

Motion: Councilman Schiro motioned to approve the Rezoning Request contingent upon staff’s recommendation of an updated Master Plan and agreeable buffer against the residences, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours. Nay: Pence. **Approved 5-1**

Text Amendments to Appendix A & B

Acting Town Manager, Bryan Chrisman, presented the public hearing for Text Amendments to the Town’s Zoning (Appendix A) and Subdivision (Appendix B) ordinances. The changes are proposed by staff and recommended by legal counsel. The changes will help clarify issues and eliminate ambiguities. Mr. Chrisman explained that the council has reviewed these proposed amendments twice before and the Planning Commission has voted to recommend the approval.

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

Motion: Councilman Sours motioned to approve the Text Amendments to the Town’s Zoning (Appendix A) and Subdivision (Appendix B) ordinances as presented, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Lord Fairfax Community College Rezoning Request- PND to B-1

Mr. Chrisman presented the public hearing for Lord Fairfax Community College Foundation’s request to rezone a parcel from Planned Neighborhood Development (PND) to Commercial (B1). He reminded that the parcel was donated to LFCC by Baker Development for the purpose of building a permanent campus in Luray. Mr. Chrisman said there will be a need for an updated traffic analysis. This will take into account increased student traffic and other considerations. There will likely be other site improvements as well; including water and sewer, lighting, storm water management, and landscaping.

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

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

LURAY DOWNTOWN INITIATIVE

Meredith Dees, Luray Downtown Initiative

Ms. Dees reminded Council members to “save the date” of November 5th for the LDI Fall Fundraiser. She also reminded Council members that this weekend is the Triathlon. Ms. Dees said the Chamber has hired an intern photographer for the event in order to gain some updated photos for the website. She added that the LDI office will be undergoing some repairs from September 5th through October 13th. Mr. Chrisman has been working to get the office insulated and to have skylight repairs made. Ms. Dees said her office location during this time has not yet been determined but she will still keep office hours.

UPDATES AND DISCUSSION ITEMS

Greenway Foundation Presentation

Mr. Ken Beyer, Hawksbill Greenway Foundation, provided a power point presentation regarding the proposed Phase 5 of the Greenway. Mr. Beyer said that previously grant funding was awarded to small projects, but the VA Department of Conservation and Recreation has indicated they would like the foundation to complete the entire, larger scope project. Mr. Beyer said this would combine Phase 5 and 6 into one phase per the CDAC conceptual plans for construction. Mr. Beyer stressed the broad influence of Luray’s Greenway as many groups are brought annually to tour the trail. The Department of Forestry intends to use Luray’s Greenway as a completed success story.

Mr. Beyer went on to review the financial status of the foundation and reviewed memorial donations, donations from the water bill mailer, and the TOT funds from the Page County Board of Supervisors. The board has recently provided the foundation with \$20,000 of TOT funds for the proposed expansion.

Mr. Beyer explained the foundation will be applying for a grant to fund the entire phase of the project. This would stretch from Linden Avenue, behind Luray Middle and Elementary Schools, concluding at the RH Dean Recreation Park. He further explained that an estimate summary has been provided by Racey Engineering for construction, acquisition, engineering, and contingencies. These combine for a total project estimate of \$625,000.

Mr. Beyer discussed the right of way area behind Luray Middle School and said that according to the County Commissioner of Revenue no citizen has ever been billed for taxes on this property. He stressed that the Town will need a legal statement claiming ownership of the right-of-way. Council members discussed the original \$40,000 needed for preliminary engineering and questioned if this would be in addition to the total project estimate. Mr. Beyer said the \$40,000 goal has been achieved and this would be included in the total cost summary. Mr. Beyer also stated at this point the Foundation does not have a contract for engineering and must resolve the legal issue foremost. Mr. Beyer estimated the possibility of accepting the grant at the end of the calendar year. Councilman Dofflemyer felt it may take until that time to resolve the legal issues. Mr. Beyer recommended the town pursue this and allow the Foundation to proceed. He also asked that a town liaison be appointed. Ms. Margaret Stevenson stated that Racey Engineering has offered to assist with resolving the title search.

Councilwoman Pence discussed another water bill insert or separate mailer to assist the Foundation in their funding efforts. Councilman Schiro suggested a separate mailer to town citizens. Ms. Eleanor Ames, Greenway Foundation, noted plans to follow up with press releases. She added that the Town Council still needs to assign a point of contact between the Foundation and Town Staff. Councilman Schiro felt the town liaison needs to be Parks and Recreation Director, Pat O'Brien. Members decided to pursue a postcard style mailer with town staff printing address labels.

Motion: Councilman Schiro motioned to appoint Pat O'Brien as the Town Staff Liaison for the Hawksbill Greenway Foundation's expansion project, motion seconded by Councilman Dofflemyer with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

ITEMS FOR COUNCIL ACTION

Re-adoption of State Code Sections

Mr. Chrisman said that in order to keep the Town's Ordinance relevant with State Code it will become standard practice to re-adopt relevant sections. This action is recommended by the town's legal counsel, Mr. Botkins.

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

Selection of a Town FOIA Officer

Mr. Chrisman noted that the State Code requires the designation of a FOIA officer, as well as posting specific information regarding the Town's FOIA Policy on the town website. Town Attorney, Jason Botkins, has detailed

the needed steps in order to be compliant with State Law. Mr. Chrisman said the only item missing on the draft policy is the name and e-mail address of the FOIA Officer. Council members agreed the role should be filled by the Town Manager or whomever is assuming this position currently.

Motion: Councilman Vickers motioned to appoint the Town Manager as the town's FOIA Officer as discussed, motion seconded by Councilman Dofflemyer with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Update on Downtown Redevelopment

Mr. Chrisman requested to update members on the Downtown Revitalization efforts with Sara Levinson. He said that he and Ms. Levinson have been meeting at least once per week and this morning had a conference call regarding conceptual plans that will be required as a component of the grant. He explained that the town already has this for the Brown's building; however, this does not exist for the Printz building or the Fairview Apartments building. Ms. Levinson has been in contact with Richmond on this project and those that have expressed interest thus far. Mr. Chrisman said Ms. Levinson is waiting to hear back from one key component of the project. Mr. Chrisman said his only concern is limiting the scope of the project application to something that can be accomplished between now and the end of October. The pre-application deadline is October and Ms. Levinson is waiting on a critical link. Mr. Chrisman said this is a critical "go or no-go" point and they are hoping for good news. If not, then there is a reality that the application could not happen this year.

Board of Zoning Appeals

Councilman Vickers said he believed the town's advertising regarding the Board of Zoning Appeals was effective and he has received an interested citizen to serve on the board. Councilman Vickers appointed Mr. Richard Lawrence to the Board of Zoning Appeals.

Motion: Councilman Vickers motioned to appoint Richard Lawrence to the Board of Zoning Appeals, motion seconded by Councilwoman Pence with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Town Hall Meetings

Councilwoman Pence said she would like to see the Council hold Town Hall style meetings. She said that Ms. Levinson had asked that if the downtown redevelopment grant moves forward, the town show some community support. Ms. Pence would like to see a town hall meeting held to discuss what it is that Ms. Levinson is working on and provide general information. Ms. Pence discussed another locality that utilized an online survey centered around the hiring of a town manager. She would like for Council to do some sort of questionnaire in conjunction with the town hall meeting for this purpose. Councilwoman Pence would like to see Town Hall meetings held quarterly. Councilman Vickers recalled the town hall meetings prior to the recent election and feels these are important to know what the citizens want. Councilman Dofflemyer said that first the Council needs to know if the downtown redevelopment grant is going to proceed from Ms. Levinson. Councilman Vickers said he has always felt the Town Council is transparent in governing and suggested Facebook live video of meetings. Ms. Pence said she would like to have two town hall meetings by the end of the year. Councilman Dofflemyer suggested three town hall meetings, the first being with Ms. Levinson. Councilman Schiro reminded that these are meetings of the Town Council and require appropriate advertisement. He suggested setting the first meeting and then proceeding thereafter.

New Business and Unfinished Business

Councilwoman Pence said she would like to see the categories of New Business and Unfinished Business added on every agenda. She would like the New Business category to be for items that can be brought up at the meeting. Unfinished Business should consist of a running list of things that have been brought before Council for follow up. Councilman Vickers asked how staff feels about this and said that unfinished business could be a summary. Councilman Schiro stated in all fairness to staff we could have a draft agenda. He proposed that a draft agenda go out to Council about a week before the meeting in order to allow staff to prepare for items that Council would like to add.

Motion: Councilwoman Pence motioned to include New Business and Unfinished Business as ongoing sections on the meeting agenda, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Communications Contact

Councilwoman Pence would like Council to establish a Communications Contact and see a press release put out regarding decisions that were made at the Council meetings. The press release should be short and concise and represent the opinion of the entire Council as a whole and should be written by the Town Manager. The press release should be sent to all Council members and allow an appropriate time (twelve hours) to review and provide feedback. Councilman Dofflemyer said this is important to do since there is no press attending the meeting. But asked would we continue once a representative from the newspaper is assigned to the meetings. Councilman Vickers stated he is concerned because this creates another job for staff. Council and staff agreed this would be for action items. Councilman Schiro reminded that once the newspaper is in attendance council's press release will lag behind the local news.

Motion: Councilwoman Pence motioned to establish the Town Manager as the Communication Contact, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

ANNOUNCEMENTS

Councilman Vickers stated he has started a Town of Luray team for the Mudurance Race and he is challenging members of Council and Staff to meet with him and sign up for the team. Mr. Vickers said it is important to support the Chamber of Commerce and he challenges the public to sign up for the race as well.

EXECUTIVE SESSION

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

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

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”.**

Councilman Schiro stated as a point of clarification for the public meeting and for the record, he would like state that the Luray Town Council never considered spending \$100,000 to hire a consulting group to recruit an Interim Town Manager. **Motion:** With that being said, Councilman Schiro motioned to continue with Mr. Bryan Chrisman as Acting Town Manager, schedule a Town Hall Meeting for September 11, 2017 at 6pm, prior to the Regular Council Meeting of 7pm at which time the Council will hear input from the community on what the citizens would like to see as those skills and traits that are important in the next Town Manager and based on that input that the Council Recruit for the Town Manager position. The motion was seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

ADJOURN

With no further business, the meeting was adjourned at 9:29pm.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer