

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

Monday, June 10, 2019

The Luray Town Council met in regular session on Monday, June 10, 2019, 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 Schiro
Jerry Dofflemyer
Leroy Lancaster
Joseph Sours
Leah Pence

Also Present:

Steve Burke, Town Manager
Bryan Chrisman, Assistant Town Manager
Jason Botkins, Litten & Sipe
Mary Broyles, Clerk-Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Chief C.S. "Bow" Cook, Luray Police Department
Bill Huffman, Luray Downtown Initiative
Meredith Dees, Luray Downtown Initiative
Mike Uram, Stanley Town Council
Josh Parlett, Antioch Independent Bible Church
Robert Janney, Janney & Janney PLC
Ed Broyles, Special Use Permit Applicant
Members of Antioch Independent Bible Church

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 Lancaster led everyone in the United States Pledge of Allegiance.

CONSENT AGENDA

Motion: Councilman Vickers motioned to approve the Consent Agenda as presented, motion seconded by Councilman Dofflemyer 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 – 5-13-2019
- (B) Minutes of the Council Work Session- 5-28-2019
- (C) Financial Reports Ending May 31, 2019
- (D) Accounts Payable checks totaling- \$ 190,301.36

PRESENTATIONS

Mayor Presgraves recognized Mary Broyles and Danielle Babb for their continued efforts with the VML Insurance 2019 Risk Management Award. VML Insurance recognized the Town's proactive steps to minimize risk and safety issues with the Town's operations at their annual meeting on Friday May 10th in Glen Allen.

PUBLIC HEARINGS

SUP 19-02 Home Occupation- 315 First Street

Town Manager, Steve Burke, said that the Town Council is requested to conduct a Public Hearing for citizen input regarding a Special Use Permit to operate a Home Occupation in the R-4 High Density Residential District. The request is from Jayme Marston to operate a hair salon in the basement of the residence that has a separate entrance and driveway. The request was unanimously approved by the Planning Commission with the conditions that there be one four square foot sign, a business license be obtained, and no off street parking.

Mayor Presgraves opened the public hearing for citizen comment. With no one present to speak, the hearing was then closed.

Motion: Councilman Dofflemyer moved for the Town Council to approve the Special Use Permit to operate a Home Occupation of a hair salon at 315 First Street with the conditions that 1) customer parking be on site; 2) no business signage other than a four square foot name plate; and 3) the business owner obtain a business license from the Town. Motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence.

Approved 6-0

SUP 19-03 Single Family Dwelling in B1- 42A9-A-35A

Mr. Burke requested Council conduct a Public Hearing to receive comments on a request for a Special Use Permit from Edwin and Mary Broyles to construct a single-family dwelling on Lot 42A9-A-36 in the Business (B1) District. The construction of a single-family dwelling is permitted in the B-1 District with an approved Special Use Permit. The Planning Commission recommended approval of the Special Use

Permit by a vote of 4-2 at their May 15th meeting. The Planning Commission cited concern over the small size of the lot. Mr. Burke said that there had been some discussions prior to this meeting of imposing R-2 setbacks. However, he noted that there has been no confirmation of a history of R-2 setbacks in the business district. Councilman Schiro stated that he would need to recuse himself from any further discussion on the matter, as he is the owner of the subject parcel. Councilman Sours questioned why the parcel is zoned Business. Mr. Burke explained that at one time all large parcels along Main Street were zoned Business and at some point the larger parcel was subsequently divided into smaller lots. Those lots then maintained a B-1 zoning status. Councilwoman Pence said that there are several letters of recommendation included in the meeting packet. She requested that Mr. Burke point out the location of these property owners on the map. Councilwoman Pence also questioned if there was an issue with paving the alleyway. Mr. Burke explained that at the Planning Commission Meeting the applicant agreed not to pave the alleyway unless all property owners were in agreement. Mayor Presgraves stated that he did not feel the Town Council should start placing setbacks in the B-1 District. He also felt confident that the property owner would add value to the neighborhood. Mayor Presgraves said that the paving should be worked out amongst property owners and not a matter of Council. He also noted the many other uses that would be by-right in a business district. Mayor Presgraves opened the public hearing for citizen comment.

Mr. Robert Janney, Janney & Janney PLC-

Mr. Janney stated that he represents his clients Edwin and Mary Broyles and pointed out the subject parcel on the map. He noted that the neighboring parcel, Mr. Richards's property, has had some concerns about a sewer lateral on the property. Those concerns have been addressed in writing and a copy can be found in the Council's meeting packet. Mr. Janney noted that while this is considered a "non-conforming" use, it is absolutely the only "conforming" use that really fits the neighborhood. He stated that there are over 30 by-right uses in the B-1 District and that certainly the neighbors do not want any of those. Mr. Janney stated that he is pleased to answer any questions the Council may have.

Councilman Lancaster verified that there is an agreement for a utilities easement. Staff confirmed that a copy of this agreement can be found in the Council Meeting Packet. With nothing further, Mayor Presgraves closed the public hearing.

Motion: Councilman Sours moved for Town Council to approve the Special Use Permit to construct a single-family dwelling in the Business (B-1) District on lot 42A9-A-36 with the conditions 1) that prior to submission of the site development plan the applicant a) confirm or obtain utility easements for water and sewer services to the property and b) confirm any existing facilities on the property and coordinate relocation as necessary; 2) not pave the alley without full agreement of all neighbors accessing the property from the alley. Motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Lancaster, Sours, Pence. ABSTAIN: Schiro.
Approved 5-0

DEPARTMENTS, TOWN BOARDS AND COMMISSIONS

Luray Downtown Initiative

Ms. Meredith Dees discussed a few brief updates from Luray Downtown Initiative. She advised Council that the candlelight memorial for Mr. Jerry Spencer has been postponed to this Thursday, June 13th due to

the inclement weather this past Sunday. She noted that LDI has coordinated with Mr. Burke and Chief Cook on the service. The drawing for the Bridge has been held and the citizen who won has gifted her drive across the bridge to Audre King, as she will be out of Town. Mr. King is planning to gather some children from the Community Center and obtain a truck from Marlow Ford to be the first to cross the bridge. LDI will also be partnering with PACA for the Sunflower Garden project. Lastly, Ms. Dees asked Council Members to mark their calendars for LDI's Fall Event to be held on October 17th.

West Main Street Bridge Project Update

Assistant Town Manager, Bryan Chrisman, updated Council on the progress of Main Street Bridge. He hopes this will be the last of the project updates as the completion is on track for June 27th. Mr. Chrisman said that there will be a soft opening on the 27th following a 3:00pm Ribbon Cutting Ceremony. Items going on this week include inspections, work on the main water line, and work under the bridge structure. Mr. Chrisman said that lighting work is also forthcoming. Traffic will be limited to one-way periodically, even after the opening of the bridge, in order to complete the light installation.

ACTION & DISCUSSION ITEMS

Readoption of Portions of the Code of Virginia

Town Attorney, Jason Botkins, requested the Council consider an Ordinance readopting portions of the Code of Virginia in Chapter 82, Article II, Section 82-3 (a) related to traffic and vehicle regulations.

Motion: Councilwoman Pence motioned to approve the Ordinance readopting portions of the Code of Virginia in Chapter 82, Article II, Section 82-3 (a) related to traffic and vehicle regulations as presented with an effective date of July 1, 2019. Motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence.

Approved 6-0

Refunding Bond Resolution

Town Attorney, Jason Botkins asked Council to consider adoption of a Resolution authorizing staff to work with the Virginia Resources Authority to refund a portion of our Series 2009A Virginia Pooled Financing Program loan. VRS anticipates the refunding of \$905,000 par amount of the loan could result in an estimated savings of approximately \$60,000 to the Town over the repayment period.

Motion: Councilman Schiro motioned to adopt the Resolution authorizing staff to work with the Virginia Resource Authority to refund a portion of our Series 2009A Virginia Pooled Financing Program loan and incorporate the bond counsel services into the loan as presented. Motion seconded by Councilman Dofflemyer with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Code Amendment- Chapter 82-41 Vehicle License Fee Waiver

Mr. Botkins asked the Council to consider adoption of a Code Amendment to Chapter 82-41 Vehicle License to codify a waiver of the License Fee for any member of a volunteer fire department or volunteer

rescue squad. The Town has historically waived the fee as a matter of policy, but inclusion in the Town Code is recommended. Councilman Schiro asked if there is a waiver for active police and military. He requested that the Town Attorney research this as well and incorporate into the amendment if possible. Mr. Botkins said that the statute provides for active members of local, state, and county police; but he will further research a military provision.

Motion: Councilman Schiro motioned to approve the Code Amendment to Chapter 82-41 Vehicle License Required; exceptions as presented to become effective upon passage with active police and military included (if possible). Motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Sewer Waiver Request- Antioch Independent Bible Church

Mr. Jason Botkins, Town Attorney, discussed a request from Antioch Independent Bible Church for a sewer waiver request. The church is requesting to construct a restroom facility to be served by Town water but to include a tank for a pump and haul sewage system. Water service for the restroom would be extended via the church's water system. Mr. Botkins advised Council members that the State Code has no reference for granting waivers due to public safety issues. Also, because the request is from a church it implicates constitutional concerns such that the government cannot favor religious entities over another. Mr. Botkins stated that the state code provides no basis for granting such waiver.

Mr. Josh Parlett- Antioch Independent Bible Church-

Mr. Parlett discussed that in 2015, the church planned to move forward with a permanent restroom facility for its picnic grounds. Mr. Parlett discussed the water connection from the church and the associated sewer fees. He displayed a utilities map highlighting the geographic challenges faced by the church for the sewer line. Mr. Parlett stated that the church representatives do not believe the current manhole is a viable option for the sewer line. Since 2015/2016 the church has done some work and obtained an estimate of approximately \$16,000. Obstacles facing the installation include the flat grade of land, sewer pump system, length of the sewer line, and potential long term maintenance issues. Mr. Parlett verified that he has verbal approval from Page County for the installation of the private system. Mr. Parlett also noted that the installation of a private system would result in an approximate savings of \$11,000 and the church is responsible to be good stewards of its funding. Also, Mr. Parlett stressed that the location of the facility is not within the 100 feet provision of a public utility.

Council members and staff discussed the 100 foot condition. Councilwoman Pence recalled that previously Page County Public Schools had requested to install a private water system at Luray High School for watering purposes. The Town was not able to permit the private well system and Ms. Pence advised of this instance as a point of reference. Mr. Parlett discussed the manhole located at 210 Virginia Avenue and felt this was not a suitable option. Mr. Chrisman said that there is a sewer connection available, whether it is suitable or not is another matter. Council members and staff discussed the requirement for a pump system, backflow prevention for 210 Virginia Avenue, and other issues. Mr. Parlett continued that the church has voted to pursue this and is entrusted to use its money wisely. He noted that the request for waiver is due to the recreational only use of the property. Councilman Schiro advised that the Council faces legal ramifications that cannot be ignored when considering a waiver. Town Attorney, Jason Botkins, recognized that there is a significantly greater expense and sheer burden

of trouble for the church; however, these issues don't come into play when conducting a legal analysis of the Town's obligation. Mr. Parlett questioned if any relief could be provided regarding the fee. Councilman Schiro suggested that the Council would be willing to offer relief in the form of a payment schedule.

ANNOUNCEMENTS/ ADJOURN

Mayor Presgraves reminded Council of the Employee Picnic on July 3rd. Council members should be at Lake Arrowhead at 10:30 to prepare for the 12:30 lunch. With no further business, the meeting was adjourned at 8:04 pm.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer