

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

**MONDAY, AUGUST 13, 2018**

The Luray Town Council met in regular session on Monday, August 13, 2018, 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:**

Steve Burke, Town Manager  
Bryan Chrisman, Assistant Town Manager  
Jason Botkins, Town Attorney  
Mary Broyles, Clerk-Treasurer  
Danielle Babb, Deputy Clerk-Treasurer  
Chief C.S. "Bow" Cook, Luray Police Department  
Meredith Dees, Luray Downtown Initiative  
William Huffman, Luray Downtown Initiative  
Chasity Faison, Special Use Permit Applicant  
Mike Uram, Stanley Town Council

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 Sours 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 – 7-9-18
- (B) Minutes of the Council Special Session – 7-24-18
- (C) Accounts Payable checks totaling- \$ 227,722.02

**CITIZEN COMMENT**

There were no citizens signed up to speak during the Citizen Comment Period.

**PUBLIC HEARINGS**

**SUP- Manufactured Home in R3 District – 135 Bixlers Ferry Rd.**

Town Manager, Steve Burke, presented the Public Hearing for a Special Use Permit request from Chasity Faison to install a manufactured single-family dwelling at 135 Bixlers Ferry Road. The Planning Commission has conducted their review and recommended approval with several conditions.

Mayor Presgraves opened the Public Hearing for citizen comment. With no one signed up to speak on the issue, the hearing was then closed.

**Motion:** Councilman Vickers motioned to approve the Special Use Permit request from Chasity Faison to install a manufactured home at 135 Bixlers Ferry Road, Tax Map No. 42A10-A-20A in compliance with Town Code Section 403.2 (e.) and that the approval be conditioned upon (1) the applicant must conform to required setbacks, (2) construction of an independent driveway connection to Bixlers Ferry Road for the lot, and (3) orient the structure entrance to the front yard of the lot. Motion seconded by Councilman Dofflemyer with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Ms. Faison verified the property address with Town staff. Staff stated that the 911 assigned address is 135 Bixlers Ferry Road, Tax Map No. 42A10-A-20A. Councilman Schiro reminded that the approval of a Manufactured Home in the R3 District is only allowable under the Special Use Permit request and is not generally permissible.

**DEPARTMENTS, TOWN BOARDS AND COMMISSIONS**

**Luray Downtown Initiative**

Ms. Meredith Dees discussed the upcoming *Construction and Cocktails* Event and has provided Council members with tickets. The event will be held at the vacant lot between Liberty Tax and Shear Success on West Main Street, just above the construction area. She noted that the event will feature live music and food, proceeds from the fundraiser will be used to reinstate the Façade Improvement Program. Ms. Dees explained that by reinstating the Façade Program, LDI will be able to provide matching funds for improvements in the historic district. Ms. Dees reminded members of the email invitation they received regarding the Virginia Main Street visit with Matt Wagner. The meeting will be held in the Chamber of Commerce Board Room and Ms. Dees provided Council members with a print copy of the invitation. Lastly, Ms. Dees displayed the mock up banner for the light poles. The new banner will be the Fall choice

and will go up in September. Councilwoman Pence made a suggestion about the banner and Ms. Dees thanked her for the feedback.

### **West Main Street Bridge Project Update**

Assistant Town Manager, Bryan Chrisman, updated Council members on the bridge work. He noted that demolition is about one-third complete and the contractor will begin removing the center of the bridge soon. He noted that weather conditions have been a factor, but the contractor is still ahead of schedule. Mr. Chrisman and Council discussed traffic issues and concerns. Council members discussed the display of a banner on the construction fence at the western end of the bridge.

### **ACTION & DISCUSSION ITEMS**

#### **Code Amendment – Section 58-17 Petit Larceny**

Town Attorney, Jason Botkins, presented the amendment to Town Code Section 58-17 related to Petit Larceny. The amendment has been developed to reflect the increased value amount for Petit Larceny from \$200 to \$500 in accordance with State Code.

**Motion:** Councilman Dofflemyer moved to adopt the amendment to Town Code Section 58-17 as presented, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

#### **Planning Permit Applications**

Town Manager, Steve Burke, presented the draft applications for various Planning Permits required by the Town. Staff recommended approval of the applications as presented.

**Motion:** Councilman Schiro moved to adopt the Planning Permit applications as presented, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

#### **Code Amendment- Section 2-177 Social Media**

Mr. Steve Burke presented the Social Media Policy for adoption to the Town Code and codify the policy under Section 2-177. Mr. Burke stated that the Social Media Policy has been reviewed by Mr. Botkins, Town Attorney.

**Motion:** Councilman Sours motioned to adopt Town Code Section 2-177 related to Social Media as presented. Motion seconded by Councilman Dofflemyer with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

#### **Additional Assessment for Electronic Summons System**

Police Chief, Bow Cook, presented information regarding the Virginia Code Section 17.1-279.1 that allows for the assessment of an additional sum not to exceed \$5.00 as part of the costs in each criminal or

traffic case in the District or Circuit Courts that arise for the violation of any statute or ordinance. The assessments are to be transferred to the Town Treasurer and funds may only be used for the purchase of software, hardware, and other equipment for the implementation and maintenance of an electronic summons system. Chief Cook further explained that the Page County Sheriff's Department has received grant funding and is purchasing the module. The Town would need to purchase the mobile terminals for its vehicles. At this time, Chief Cook said that he is looking at purchasing four in-unit terminals.

Council members asked Mr. Botkins if they could act on this item this evening, or if a public hearing was required. Mr. Botkins stated that he could prepare the ordinance post-meeting and that a public hearing wouldn't be needed. Council members agreed to act on the adoption of the ordinance to allow for the additional assessment.

**Motion:** Councilman Schiro motioned to approve the amendment to Town Code adopting Virginia Code 17.1-279 allowing the additional \$5.00 assessment for electronic summons system as presented. Motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

### **Source Water Protection Plan**

Town Manager, Steve Burke, discussed the development of the Town's Source Water Protection Program. He explained that the draft plan is the recommendation of the Department of Health and Office of Drinking Water. The plan identifies the Town's water sources and opportunities to minimize the possibility of pollution of the sources. Council will be asked to consider this as an action item at the September meeting.

### **OLD BUSINESS**

#### **Draft Charter Amendment**

Town Attorney, Jason Botkins, presented the draft Town Charter Amendment. The Council's packet for the evening contains the draft of the proposed charter amendment with updated language as necessary to conform with current requirements. Councilwoman Pence raised questions regarding Section 2.6 Nuisances in regards to blighted or derelict buildings or structures. Councilman Schiro discussed the code's reference to May elections, which should be changed to November. Councilwoman Pence suggested a change in the language of Section 3.2 from "November 2020" elections, to say "with the presidential election". Councilman Sours suggested a change in the verbiage of section 3.2 regarding the use of the term "remaining". Also, Council and Mr. Botkins discussed the Mayor's line item veto and language allowing Council to remove a fellow member. Mr. Botkins has previously noted that these two powers of the Mayor and Council are not typically found in updated charters. Members discussed keeping the language or removing it. Council members concurred to remove those sections as recommended by legal counsel.

#### **Code Amendment – Section Special Events & Assemblies**

Town Attorney, Jason Botkins, discussed the draft code amendments regarding Assemblies/Special Events and new Town Code Section 74-22 to establish new regulations and process for public events.

He noted the change suggested by Council has been included from the previous version to change to language from “days” to “business days” notice. Mr. Botkins noted that he is working with several localities to implement these permits and said that last year’s events in Charlottesville have prompted this process. Councilwoman Pence maintained that she would like to see it more clearly stated on the form that “no fees” will be incurred unless associated with the town’s fee schedule. Councilwoman Pence and Councilman Sours expressed concerns with legislating events on private property. Town Staff, along with Mr. Botkins, noted that the permit applies to public events on Town property or those which will impede Town property or public space. Council members discussed further review of the application language to reflect the use of the form.

## **EXECUTIVE SESSION**

### **Real Property, Section 2.2-3711.A.3 (Real Property)**

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing matters relevant to Section 2.2-3711.A.3 regarding possible acquisition of real property for utility improvements and future development considerations.

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

**Motion:** Councilman Schiro 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

Mayor Presgraves asked members of Council to certify that to the best of their knowledge only matters covered under Section 2.2-3711.A.3 were heard, discussed, or considered during the closed session.

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

## **ANNOUNCEMENTS/ ADJOURN**

With no further business, the meeting was adjourned at 9:02 pm.

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Barry Presgraves  
Mayor

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Danielle Babb  
Deputy Clerk-Treasurer