

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

MONDAY, FEBRUARY 13, 2017

The Luray Town Council met in regular session on Monday, February 13, 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:

Charlie Hoke, Town Manager
Bryan Chrisman, Assistant Town Manager
Danielle Babb, Deputy Clerk Treasurer
Chief Carl "Bow" Cook, Luray Police Department
Nancy Shifflett, Luray Downtown Initiative
Meredith Dees, Luray Downtown Initiative
Chris Slater, Page News and Courier
Lee McWhorter, Luray Page County Farmers Market
Cathy Miranda, Tree and Beautification Committee Appointee
Gail Kyle, Planning Commission Appointee
Catherine Herbert, 201 Hawksbill Heights Drive
John Mrotek, 4 Jamison Road

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. Mayor Presgraves welcomed newly elected Councilwoman Leah Pence to the meeting.

CONSENT AGENDA

Motion: Councilman Schiro motioned to approve the Consent Agenda, motion seconded by Councilman Dofflemyer with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours. ABSTAIN: Pence. **Approved 5-0**

Consent Agenda

- (A) Minutes of the Regular Council Meeting –1-9-2017
- (B) Minutes of the Council Work Session- 1-24-2017
- (C) Financial Report- Month Ending 11-31-2017
- (D) Accounts payable checks totaling \$ 179,287.72

CITIZEN COMMENT

John Mrotek-4 Jamison Road

Mr. John Mrotek stated that he is unsure why he is here this evening and was hesitant to sign up for citizen comment. Mr. Mrotek said that he would prefer to answer questions regarding the information that has come out in the local newspaper. He stated that no one from the town office has contacted him about any of the information that has been printed. Mr. Mrotek requested to defer any comments until later in the evening.

Lee McWhorter- Luray Page County Farmers Market

Mr. Lee McWhorter stated that he was here this evening to welcome new Council Member Leah Pence to the board.

Mr. McWhorter also commented on Mr. Mrotek's remarks. He recalled the inception of the Greenway and the grants prohibiting commercial activity on the Greenway. Mr. McWhorter said that the Farmers Market is an example of setting up sales off of the Greenway. He also noted that the benches on the Greenway are a form of advertisement but make good sense if they paid to put the bench there. Mr. McWhorter said that a sign describing the farm equipment along the Greenway makes good sense to him too, if the appropriate channels are followed.

Catherine Herbert-201 Hawksbill Heights Drive

Ms. Cathy Herbert said that during the election there were many great comments and dialogues about fiscal accountability and attracting small businesses and new residents to Luray. She said that she hasn't seen any kind of details on this and would like to know what the Council's strategy is. Ms. Herbert said that she would also like to know any specific tactics that the Council plans to use to attract such businesses and residents. She complimented the town's beauty, recreation facilities, and low taxes and feels these are all very attractive to new residents.

Councilman Schiro requested that Town Manager, Charlie Hoke, provide Ms. Herbert with a copy of the town's strategic plan.

TOWN AFFILIATED BOARDS AND COMMISSIONS

LURAY DOWNTOWN INITIATIVE

Meredith Dees, Luray Downtown Initiative

Ms. Meredith Dees stated that she would like to address the Brown's Window Project. She provided a power point presentation detailing LDI's request. She displayed a photo of the building's windows as they are currently: compared to a photo of the holiday decorated windows. Ms. Dees said that the decorated windows bring life and energy to the building and she hopes that continuing to decorate the windows will dress up the downtown. She said that decorating the windows can allow business owners to envision their business in that building and acts as a service to our merchants. She noted a great deal of positive feedback from the windows during the holidays and the positive impact for businesses. Ms. Dees noted a similar scenario in Front Royal, where a Main Street building rents its window space for those businesses not located on Main Street. Ms. Dees proposed a temporary exception to off premises signage, that would allow for signage in the Brown's windows within the B-1 Zoning District.

A breakdown of the project details a total of eight windows. Two of the windows would be reserved for the Chamber of Commerce/Visitor Center and the Town/Parks and Recreation and/or LDI. The remaining six windows would be broken up into three panel sections, to be decorated by two businesses each period. Time periods for the windows are an average of three months, which creates a fresh look four times per year. The seasons for the windows are Spring, Summer, Fall, and Winter with the Fall Season focusing on a Back to School Theme decorated by LHS and PCHS. Ms. Dees said that there are a few spots remaining but she anticipates the windows being fully occupied.

Mayor Presgraves suggested the Town lease the windows out to LDI and then they can sublease to businesses. Ms. Nancy Shifflett said that the main question is in regards to the off premises advertising that would be placed in the windows. Ms. Shifflett said that everyone would have ample opportunity to request a space. Councilman Schiro said that he feels there is a possibility of exception for the building itself, since the marketing is going to be for the town through LDI. Mr. Schiro agreed for the town to let LDI manage this. Councilman Vickers asked about an overabundance of participants. Ms. Dees said that this would certainly be a terrific problem to have but that currently there are a few spots remaining. Mr. Hoke said that the town would only be interested in leasing the windows to LDI. Councilman Lancaster suggested not limiting the windows to two businesses. Ms. Dees said that currently there has not been enough interest to fill eight individual windows. Councilwoman Pence said that the windows were beautiful at Christmas and commended LDI's efforts. Ms. Pence said that she would like to see the space rented for free and says it's a great project. Councilman Dofflemeyer said that he is confused about whether or not there is a charge. Ms. Dees said that LDI has no intention of charging a rental fee for the space. Councilman Dofflemeyer preferred that the Council stay away from any lease agreement. Councilman Schiro said that the main issue is that LDI manage the project and oversee the content. Mayor Presgraves suggested Ms. Dees proceed and work out the details with the Town Manager.

Councilman Sours asked how the Council is going to create an exemption from the sign ordinance. Councilman Schiro said that this is similar to a kiosk advertisement and added that the building is a Town owned property. This is not an individual off premises sign but rather a marketing tool established by LDI. Ms. Dees thanked the Council for their support.

DEPARTMENTAL REPORTS

PLANNING AND ZONING

Town Manager, Charlie Hoke, said that he received a request for a short term rental on a single family residence in the B-1 Zoning District. He explained that there is no by-right use for short term rentals in the B-1 District despite the by-right use for hotels, motels, inns, and bed and breakfast operations. Mr. Hoke asked if Council would like to request the applicant proceed with the special use permit process or if the Council would like for the Planning Commission to review the issue. Councilman Lancaster felt the Planning Commission needs to review this and determine if there should be an amendment for cottages, etc. in B-1. Mr. Hoke said he would be glad to proceed with the commission. Councilwoman Pence said that this would be easier for those in the B-1 district to rent out their homes, as there has been several requests for this exception. Councilman Sours said that his only concern is removing affordable housing, but if restricted to B-1 may not be too prohibitive. Mr. Hoke said that he would proceed to the Planning Commission.

ITEMS FOR COUNCIL ACTION

APPOINTMENTS TO LURAY BOARDS AND COMMISSIONS

Town Manager, Charlie Hoke, stated that Councilwoman Pence has three considerations for the Council's approval. Ms. Pence said that Rose Ann Smythe could not be present this evening, but is willing to serve on the

Board of Zoning Appeals. Ms. Pence would like to appoint Gail Kyle to the Luray Planning Commission as she has been a long time resident of Luray. Lastly, Ms. Pence would like to appoint Cathy Miranda to the Tree and Beautification Committee.

Motion: Councilwoman Pence motioned to appoint the three individuals mentioned to the vacant commission and committee seats as indicated, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

GREENWAY SIGN

Councilman Sours addressed the issue of Mr. Mrotek's sign and said that he hopes to find an amicable solution this evening and to move forward. Councilman Dofflemyer said this seems to be a very hot topic and he is unsure why the council is even talking about. Mr. Dofflemyer said he has received many comments about this and everyone seems to like the sign and want it to remain. Councilwoman Pence said the sign has been there for a while and personally thinks Mr. Mrotek has done the town a service by providing the sign and the historical information. Ms. Pence said that she has discussed the sign with Chamber Staff who noted that before the sign, they received many questions about the equipment. Councilman Sours said that the issue for him is the "Pioneer Bank" portion of the sign and secondly the ownership of the sign. He said that it is his understanding that Mr. Mrotek is not donating the sign to the Town at this time. Mr. Sours said there is also the decision of whose property it is on.

Mr. John Mrotek explained that he placed the machinery on display about 4 or 5 years ago. After accounting for the pieces, he found that more than half of those pieces came from Page County. Mr. Mrotek said that he put the sign where he was advised to place it. He said that it took many months to put the information together and that previous Councilwoman Flasch strongly recommended that he come up with some signage. Mr. Mrotek proposed that if the sign is on Town property that he purchase back about 20 square feet for the same price he sold the land for. As far as donating the sign to the Town, Mr. Mrotek says he has too much attachment for the work that he put into the sign and he has no intention of donating it. He enlisted a photographer, graphic designer, etc. to work on the sign. Over the years he has had many thanks and compliments on the sign. Mr. Mrotek said that the Greenway has been wonderful for the town and is appreciated by many; but, now we are hung up over a few inches on either property. He explained that Pioneer Bank paid for the costs of the sign and is also uncertain of why there is a problem. Pioneer Bank had intended to come to the meeting, however this topic was not an agenda item and they are therefore not in attendance. Mr. Mrotek showed Council members a plat that depicted parking on Linden Avenue, he advised that the parking area is on his property. He said that if the Council is concerned about a few feet or inches; then regarding the parking, the town could be charged rent for the parking for the past several years. Mr. Mrotek said that he has been in business over 50 years and for this to come out in the newspaper is an unfortunate way to do business.

Councilman Lancaster stated that the Town did not ask for any of this to be printed in the newspaper. Mr. Lancaster recalled speaking with Mr. Mrotek long before work on the sign began and he thought it was a great idea; and still thinks so. Mr. Lancaster said that he doesn't care for the Pioneer Bank portion of the sign. He stated that he doesn't care whose land it is on and that it is not worth surveying the property to find out. Mr. Lancaster said that the brick pavers need to stay in place and so does the signage, but the advertisement needs to be removed.

Councilman Schiro said that he agrees with Councilman Lancaster and that the Town does not have standards for signage on the Greenway. Mr. Schiro stated that signage more conducive to the Greenway and the nature of the sign itself would be more appropriate. Mr. Schiro said that no standards have been developed for the

Greenway and that the Town owes Mr. Mrotek an apology that he read about this in the newspaper. He said it is truly unfortunate that no one contacted Mr. Mrotek and that he personally apologizes. Mr. Schiro said that the Council does not and should not control what is published. He hopes that Mr. Mrotek and Pioneer Bank will consider a more fitting sign.

Mr. Mrotek also noted that when he obtained the aerial view of the property, he also found that there is a water line running to the Greenway fountain. He advised members that this water line is also on his property and no one ever asked him about an easement for the line. Councilman Schiro questioned if the town has a water line across Mr. Mrotek's property without an easement, and said this needs to be followed up on. Mr. Mrotek concluded his discussion by asking that he along with the town act together as good neighbors.

Councilman Dofflemyer thanked Mr. and Mrs. Mrotek for what they have done to help with the Greenway by selling the Town the property. Councilman Schiro asked if action is needed to put the issue to rest. Mr. Mrotek said that numerous individuals have said the town owes him a written apology and he would like to see a formal motion made.

Councilwoman Pence stated that she has business dealings with Mr. Mrotek and therefore will abstain from a vote on the issue. Councilman Dofflemyer said the issue of the Pioneer Bank portion of the sign has not been resolved and suggested a more "park like" sign. Councilman Schiro said that he would plea that Pioneer Bank and Mr. Mrotek consider something more in keeping with the Greenway signage but that the Town has no standards currently in place.

Motion: Councilman Schiro motioned to allow the sign to remain as it is, with respectfully requesting that Mr. Mrotek and the bank consider signage more in keeping with other Greenway signage, and an apology that Mr. Mrotek had to read about this in the newspaper. Motion seconded by Councilman Dofflemyer. Discussion: Councilman Sours said that the rest of the sign looks great and that there is a difference in the signage placed with the banks logo and that it is an advertisement. Councilman Schiro said that while the sign is out of character, the Town cannot arbitrarily choose what is appropriate. Councilman Lancaster said that the benches may have business names but are uniform in design and have no logos, etc. Councilman Schiro said he is sympathetic to these concerns but the town has no policies in place to dictate this. Councilman Lancaster said that the sign ordinance applies and this is an off premises sign. Members discussed standards that could avoid this in the future. Councilman Vickers then called for a vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro. NAY: Lancaster, Sours. ABSTAIN: Pence. **Approved 3-2**

ADJOURN

With no further business, the meeting was adjourned at 7:55pm.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer