

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

MONDAY, FEBRUARY 8, 2016

The Luray Town Council met in regular session on Monday, February 8, 2016 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
Bryan Chrisman, Assistant Town Manager
~~Mary Broyles, Clerk Treasurer~~
Danielle Babb, Deputy Clerk Treasurer
Ligon Webb, Town Planner
Chief Carl "Bow" Cook, Luray Police Department
Jeff McMillan, Luray Downtown Initiative
Gina Hilliard, Luray Page County Chamber of Commerce
Chris Slater, Page News and Courier
Jason Pettit, General Citizen Comment
Leah Pence, General Citizen Comment
Chris Gould, General Citizen Comment
Powell Markowitz, Airport Commission
Pat Racey, Racey Engineering
Tyler Austin, Racey Engineering
Jason Botkin, Litten & Sipe LLP
Bill Isenberg, General Citizen Comment
Jennifer Orenic, Earth Day
Bryan Ailey, People Incorporated

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 Dofflemyer led everyone in reciting the United States Pledge of Allegiance.

CONSENT AGENDA

Motion: Councilman Schiro 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 – 01-11-2016
- B) Minutes of a Special Council Meeting – 01-14-2016
- C) Financial Report for the Month Ended January 2016
- D) Accounts payable checks totaling \$ 112,857.77

GENERAL CITIZEN COMMENTS/ PRESENTATIONS

Chris Gould- 245 W. Juniper Lane, Stanley, VA

Mr. Chris Gould, Page Valley Cycling, provided Council members with a fact sheet for the 2015 summer cycling season. Mr. Gould told Council members that he was informed that he would have to pay overtime rates for police and public works personnel for this year's race event. He noted that in recent years these services were provided free of charge. Mr. Gould stressed the economic impact of the event and the charitable donations that are provided to local organizations. Mr. Gould expressed concern over the impact these costs would have on the event and explained that he doesn't want to have to move the location of the downtown race. Mr. Gould did confirm that the event is a 501(C)3.

Bill Isenberg- 123 W. Main Street, Luray/ West Main Market

Mr. Bill Isenberg said he would like to reinforce his support for the bike race in downtown Luray. Mr. Isenberg provided Council members with some photos of downtown during the race and added that it is his favorite town event. Mr. Isenberg also noted that he provides lunch, free of charge, to all volunteers of the event; including town workers.

Councilman Schiro questioned when it was decided to charge these rates. Mr. Hoke said that he has advised Pat O'Brien that any event not sponsored by the town will need a budget and that the department will need to request cost recovery of the charges. Councilman Schiro asked if this would also apply to the Triathlon. Mr. Hoke said that this would also apply to the Triathlon event. Mr. Schiro said that he felt this was very narrow sited and that these events provide a great deal of revenue for the town. He said that this issue should have been brought before Council. Mr. Hoke said that town sponsored events will continue to be free for the citizens of Luray and this would only apply to outside event requests. Mr. Schiro asked if there would be an opportunity for Council to discuss this. Mayor Presgraves suggested discussing this at a work session. Councilman Schiro stated that he was approached about this prior to the opening of the meeting and was unaware of this decision. Mayor Presgraves asked how many years this cost recovery has been in place for the Triathlon. Mr. Hoke said both last year and this year were complete cost recovery for that event. Mayor Presgraves and Mr. Hoke discussed getting some figures together to have for the work session.

Earth Day Request – Jennifer Orenic

Ms. Jennifer Orenic said that this year's committee is very energetic and would like to request permission to use the farmer's market site for the 2016 Earth Day event. She noted that in the past the town has assisted with setting

up canopies, conducting the duck race, recycling bins, etc. Ms. Orenic said that she is not asking for any monetary contribution from the town. She asked for Council's support of staff and location, as the town would be named a co-sponsor.

Motion: Councilman Vickers motioned to support Earth Day 2016; motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

PUBLIC HEARINGS

People Inc / Page Community Development, PND to R-5

Town Planner, Ligon Webb, presented the request for rezoning by People Incorporated of Virginia and Page Community Developments, LLC. The request is to rezone an approximately 8.5 acre parcel from PND (Planned Neighborhood Development) to R5 (Townhouse and Apartment Residential). If rezoned, the applicant plans to construct seven apartment buildings containing a total of fifty-two units.

Mr. Webb explained the timeline of events beginning in 2005 when the Town adopted the PND zoning district. In 2006, Baker Development requested to rezone 77 acres from B1 to PND. In 2011, The Town of Luray and Page County purchased 10.91 acres from Baker Development using FAA funding to create a buffer for the airport runway centerline. In May 2013, Page Community Developments submitted a Developer's Agreement regarding the proposed Luray Landing Section II, PND. In June 2013 a joint public hearing was held between the town and county for a "proposed boundary line adjustment agreement". Later, in February 2014 the approved boundary line adjustment was officially recorded at the Page County Clerk's Office. In May 2014, Racey Engineering produced a preliminary plat showing the parcel subject to the rezoning request incorporate into Luray Landing's PND. And, in November 2015, People Inc. of Virginia and Page Community Developments submitted a request to rezone a parcel identified as 40-A-43A from PND to R5.

Mr. Webb stated the specifics of the request from People Inc. to construct a total of fifty-two individual apartment units, contained in seven separate structures. Their plans also include the construction of a community center and a full-time property manager/on-site staff. Because the developer is seeking Low-Income Housing Tax Credits from the federal government, the units would be required to be rented to individuals/families who earn less than the medium income for page County. Mr. Webb then discussed estimated traffic impacts. He noted that the construction of the complex would likely increase traffic volumes on Airport Road to or near capacity. Mr. Webb also noted airport expansion plans and the planned relocation of Homestead Drive and Airport Road. These improvements are planned to begin during 2016 and be completed by winter of 2017.

Mr. Webb stated that his staff recommendation is one of Denial. He explained that the denial is with the understanding that while the project is much needed, the site is of concern. Mr. Webb said that he would like to see the site developed as similar housing to that of West Lu or some use compatible to the airport (such as light commercial.) Mr. Webb explained that the Planning Commission approved the rezoning request by a 3-2 vote at their meeting on January 13th. A majority of the commissioners believed the site met necessary criteria for apartment development, but two did not. The fact that the site is zoned for housing appeared to be a factor in approving this request by the majority of commissioners.

Councilman Dofflemyer discussed the disconnect from the housing of West Lu. Mr. Webb said that could be reviewed in the future when they are ready to move forward. Mr. Webb said he likes the ideas of connecting similar density housing. Councilman Vickers asked about travel patterns. Mr. Webb said that typically with this type of housing comes pedestrian traffic. He said that an easement solution would be beneficial and that he

does not want to see pedestrian traffic on Airport Road. Councilman Schiro asked if the rezoning were to be denied in order to develop under the PND; what types of housing could be constructed. Mr. Webb said that duplexes or town houses could be developed but a public hearing would still be needed. Mr. Tyler Austin, Racey Engineering, explained that the reason for the rezoning was primarily due to the density of the proposed style of housing. Councilman Lancaster questioned the choice of location on the property.

Mayor Presgraves opened the public hearing for citizen comment.

David Nagy – 149 Vistamont Drive, Luray VA

Mr. David Nagy stated that he would like to speak in opposition of the proposed housing. Mr. Nagy noted that he formerly lived in Culpeper and that his experience there with low income housing was not a positive one. He expressed concern for higher crime incidents, an increase in the immigrant population, and the associated impact on the school system.

Powell Markowitz- Luray Page County Airport Authority

Mr. Powell Markowitz spoke on behalf of the Airport Commission and stated his views on the proposed rezoning. Mr. Markowitz discussed the master plan for the airport and the funding provided to build out the master plan. Mr. Markowitz talked about “Part 77” which provides for an obstruction free barrier around the airport. This allows for no obstructions within 250 ft horizontally from the airport center line. Mr. Markowitz said that in general it’s not a good idea to put housing near airports and citizen complaints will be generated due to the normal operations of an airport. Mr. Markowitz maintained that housing is a bad choice for this area and that other compatible land uses should be considered.

Bryan Ailey- People Incorporated

Mr. Ailey said that the model under consideration is the same that was proposed for Collins Avenue. He noted that the area is already residentially zoned and that there is no change in by-right use. Mr. Ailey explained that this is a request in zoning that will allow a change in the type of apartment allowed. He also advised that this is not public housing that is funded through federal subsidies, where residents would live for free. Mr. Ailey emphasized that this is housing for those people who have jobs but live below a certain income level. These residents will be those that make enough money to pay rent but little enough to qualify for the housing. Mr. Ailey maintained that there is a strong need for this type of housing in the area. Mr. Ailey also explained that the request is essentially a change in style of housing from a townhouse to a garden style apartment unit.

Tyler Austin- Racey Engineering

Mr. Tyler Austin, Racey Engineering- Project Engineer, discussed the site selection for the project. He explained that the Collins Avenue site had a high cost for road construction, whereas the current site has very limited earthwork and ease of access to water and sewer utilities. Mr. Austin maintained that there are good buffers on the property and that it is barely visible from West Lu due to the terrain of the land. He added that the parcel is already zoned residentially. Mr. Austin said that many other airports do have a close proximity to residential areas and noise decibel levels have been studied.

With no further comments the public hearing was then closed by Mayor Presgraves.

Council and Staff discussed the proximity of the proposed housing to Oh Shenandoah homes and to West Lu Subdivision homes. Councilman Schiro confirmed that Mr. Webb would prefer a single family housing

development. Mr. Schiro confirmed that approving the rezoning of the property is not approving the development itself. Mr. Webb said that People Inc. still has to obtain funding credits and that there is more work to be done. Mr. Webb maintained that while he does not recommend the rezoning, if approved he will work with the developer to make this the best project it can be. Councilman Schiro asked Chief Cook about his experience with calls at Rugby Square Apartments. Chief Cook said that there is a high volume of calls at the Rugby Square complex but that Luray Village is mainly medical calls due to the nature of that housing. Councilman Vickers expressed concern about pedestrian traffic. Councilman Schiro said that with low income housing comes a certain stigma, but the reality is that there is a need for this type of housing. He said that while he appreciates these concerns he does not believe that this type of development is going to create any problems or cause any issues for the expansion of the airport. He said that these type apartment complexes seem to fit in well with the other housing around them and similar projects are nice in appearance and style. While there may be better locations, this project works financially for the developers. Mr. Schiro said that it is important to recognize that the residents are working people who just happen to be below the average income. Councilman Sours seconded these comments and that while the location has been wrong before he would like to see this property utilized. Councilman Sours said that this would meet a tremendous need for residents. Mr. Austin said that this is an extremely good sized property for the development and can meet all the requirements needed while maintaining a nice appearance.

Motion: Councilman Schiro motioned to approve the Rezoning as presented; motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Sours. NAY: Lancaster, Meaney. **Approved 4-2**

Main Street Parking Exemption

Town Planner, Ligon Webb, said that in November 2015 the Town Council approved the waiver process for downtown businesses. This waiver process allows downtown businesses the ability to seek relief from the Town Council. At the November meeting, Mr. Jason Pettit requested that the Town Council consider exempting the downtown historic district from all parking requirements. Per the request of Town Council, a public hearing was held in January. At this time the Council decided to table the discussion and the Planning Commission has since worked on an amendment. The new language is as follows: **506.23** *All uses, with the exception of residential uses, operating from an existing building and/or structure located in Luray's downtown business district (extending from Memorial Drive to Bristol Avenue) which are commercially zoned and contain frontage and/or adjacent to Main Street shall be exempt from parking standards enumerated in sections 506.1 through 506.22 of this code.* Mr. Webb noted that the "vacant lot" option has been eliminated, and therefore a new building on a vacant Main Street lot seeking relief from parking standards, would need to request a waiver from the Town Council. Mr. Webb said the amendment was approved by a 4-1 vote of the Planning Commission.

Mayor Presgraves opened the public hearing for citizen comment.

Jason Pettit- 111 N. Court Street, Luray

Mr. Pettit began by thanking the town for their job with snow removal. He commended the Public Works Department for their hard work. Mr. Pettit said that he would like to see this exemption move forward and that this is vital to downtown business. He also observed an undefined area in terms of the true "business district" or "historic district". Mr. Pettit read aloud from the 2004 downtown plan that was produced by Frazier Associates. He noted the goals from 2004 and how far the town has progressed on making the recommended improvements. Mr. Pettit also noted the example of Artisans Grill and its unique location and total lack of parking.

Leah Pence- 1604 Honeyville Rd. Stanley/ The Chapman House, Luray

Ms. Leah Pence, owner of the Chapman House, would like to see new language added for vacant lots. She would like to see the exemption be a “blanket exemption”. Currently “vacant lots” were eliminated from the amendment. She would also like to see residential buildings exempted as well. Ms. Pence expressed concern for a lack of a long term parking plan for Luray. She asked if there would be a plan for a parking lot to be built and wants to see more long term planning.

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

Town Planner, Ligon Webb, said that several options were considered by the commission. Mr. Webb said he and the commission felt the commercially zoned business category was sufficient to cover this need. Mr. Webb said that he does not foresee a parking deck in the town’s future, whereas towns of Luray’s size do not have the financial ability or the infrastructure to require such. He noted that perhaps some additional parking could be added in a few areas and that there is good off street parking available.

Councilman Lancaster added that the new Dubliner’s Pub was very busy over the weekend and parking was scarce. He noted that he has concerns for parking in this particular area as it may worsen with the opening of Ms. Pence’s business. He emphasized that these business owners may have to make their own considerations for their patrons and employees.

Motion: Councilman Vickers motioned to approve the Parking Exemption as presented; motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Sours, Meaney. NAY: Lancaster. **Approved 5-1**

DEPARTMENTAL REPORTS

PLANNING AND ZONING

Town Planner, Ligon Webb, noted that he had submitted his written report. Town Attorney, Jason Botkins has reviewed the ads for the alleyway vacations next month and has made a few minor changes. Mr. Webb said that basically the town will proceed with the advertisements for the March meeting.

TOWN AFFILIATED BOARDS AND COMMISSIONS

LURAY DOWNTOWN INITIATIVE

Jeff McMillan, Luray Downtown Initiative

Director, Jeff McMillan, welcomed new LDI board member Jason Pettit. Mr. McMillan said that he has been working on reports for state and national accreditations. Also, he has conducted the “Speakout” radio spot on behalf of the LDI task force and spoke about the details of the downtown plan. Mr. McMillan said that he is also working on setting deadlines and goals for both short and long term. Mr. McMillan is also producing a monthly LDI newsletter, this issue includes an end of year review. LDI is currently requesting \$10,000 in TOT monies from Page County for free Wi-Fi downtown. LDI is also working with Shannon Sankar, Standout Arts, regarding upgrades to its website. Also, LDI will be meeting with Frazier Associates to discuss facade improvements to 322 West Page Street (recently purchased by the Mimslyn Inn). On February 16th, Jeff McMillan and Nancy Shifflett will travel to Richmond to accept the \$12,000 façade grant award for the Brown’s and Bridge Theater updates.

Mr. McMillan reminded of the Bridge Outreach meeting on February 25th hosted by the Town at the Mimslyn. The volunteer appreciation dinner will be on February 26th at PALS. Currently, the community rack card is being finalized for 2016 events. Also, Mr. McMillan said that he will be speaking at the Rotary Club meeting on February 22nd per Town Manager Hoke's invitation.

LURAY PAGE COUNTY CHAMBER OF COMMERCE

Gina Hilliard, Interim Chamber Director

Ms. Gina Hilliard began with a handout to council members and provided the February edition of the chamber newsletter. The *Guide to Page County* was printed at the end of January and went out in the local newspaper, additional copies are available at the chamber office. Ms. Hilliard added that the Visitors Guide is being redesigned and the new edition will be out in May 2016.

The chamber office was closed from January 22nd through January 25th due to snow and Ms. Hilliard thanked town staff for their efforts in snow removal. She advised Council that the VTC Leverage Grant has been tentatively awarded to the Chamber. A formal announcement has not yet been made. However, this will be the 6th year in a row that the chamber has received the award. January statistics include 58 visitor guide downloads, 45 volunteer hours, 807 bulk mailings, 231 local phone calls, 170 local walk-ins, 163 tourist phone calls, 315 tourist walk-ins, and 3,577 unique web hits. The chamber saw eight new memberships for the month of January. Ms. Hilliard also reviewed the chambers social media efforts and website statistics.

Recent events attended included the PACA meeting, Entrepreneur Café, and Opportunity Luray meeting. Upcoming events include the Shenandoah Valley Travel meeting, Opportunity Luray meeting, Pennsylvania Tourism Show, Business Networking Breakfast, and Ribbon Cutting Events. The next business after-hours will be at Pioneer Bank, co-hosted with the Slye Agency. Lastly, there will be an end of month wedding forum for all Page County wedding vendors.

UPDATES AND DISCUSSION ITEMS

Introducing Jason Botkins as the Town Attorney

Mayor Presgraves introduced the new Town Attorney, Mr. Jason Botkins, of Litten and Sipe LLP. Mr. Botkin thanked members of Council and added that it is an honor to serve the town and council. He appreciates the opportunity to work with the town and looks forward to serving the community.

West Main Street Bridge Update

Assistant Town Manager, Bryan Chrisman, updated members on the NEPA Public Hearing on February 25th at the Mimslyn Inn from 7-9pm. Mr. Chrisman said that the NEPA documents are available for review at the Town Hall.

West Main Street Roundabout Update

Mr. Chrisman advised that a brief meeting will be held at Town Hall regarding the West Main Street Roundabout. As soon as a date and time is available Mr. Chrisman will pass this information along to council and staff. He noted that the design concept has remain unchanged from 2014. VDOT will notify the Town when the Public Hearing will occur, which may be within the calendar year. Final plans are projected for 2017 with construction not prior to 2018.

VDOT Truck Traffic Project in Corporate Limits

Assistant Town Manager, Bryan Chrisman, said that he along with Chief Cook and Lynn Mathews have been working on the town's truck ordinance. The town's ordinance is one of the older ordinances in the Commonwealth. The town's no through-truck policy has been on the books since 1981 and provides for through-trucks within a five mile radius of Luray. Mr. Chrisman explained the five mile radius is much too large and that a three mile radius is much more appropriate. He along with Mr. Mathews and Chief Cook have several recommendations to this area of the town code and plan to bring these suggestions back to Council. Mr. Chrisman explained that they will work closely with VDOT advisors to come up with the best solution.

Electric Vehicle Charging Opportunity

Mr. Chrisman discussed information he obtained from the Governor's Transportation Conference in fall 2015 regarding electric cars. He added that currently the Mimslyn Inn has two electric charging stations purchased from Tesla which provide overnight charging for their guests at a nominal fee. Clean Cities of Virginia has issued a proposal to the Town to provide a couple of these charging stations with grant funding. The only cost to the town would be the installation of the devices and a very minimal monthly kWh fee for electricity at the site. Mr. Chrisman is requesting to pursue grant funding for the purchase of these devices.

ADA Access Evaluation Project

Assistant Town Manager, Bryan Chrisman, said that the weather has held up some progress of street evaluations. However, he continues to evaluate the condition of sidewalks and street crossing throughout Luray's main thoroughfares. Mr. Chrisman discussed areas of concern on East Main Street for ADA compliance. Staff is continuing to compile data in order to submit an application for TAP funds this summer.

4.10 Overtime Pay and Compensatory Time Policy

Town Manager, Charlie Hoke, said that the Springsted Study recommended the town council consider eliminating the compensatory time for exempt employees. Council then directed staff to look into changing this policy per the recommendation. Mr. Hoke requested definitions from the VML Attorney for *Exempt and Non-Exempt Employees*. This information was provided in council's packet. Section 4.10 of the Town's Personnel Manual was forwarded to Attorney Jason Botkins for his review and recommendations on the current policy.

Councilman Schiro asked about the listing of exempt employees from VML and said that it did not include the Parks and Recreation Director. Mr. Hoke clarified that it was an oversight and would include the Parks and Recreation Director. Also, Mr. Schiro discussed Mr. Botkins comments regarding the adjusted schedule and how it pertains to the Wastewater Superintendent. Mr. Hoke said that while the Wastewater Superintendent is an "exempt employee" the Water Plant Superintendent is "non-exempt". Councilman Schiro asked for further clarification for the department head, that despite them not being provided compensatory time... they would be allowed time off as needed without using annual leave. Mr. Botkins discussed this section regarding his comments on the draft. Councilman Schiro expressed that it would be important to include the language for an adjusted schedule. Mayor Presgraves requested that these changes be reviewed and brought before Council at the next work session.

Pay Scale

Town Manager, Charlie Hoke, said that during the Springsted Study the salary range scale was reviewed. At this time it was Council's consensus to approve this change to a minimum/mid/max pay scale. Despite this consensus by Council, formal action was not taken at that time.

Motion: Councilman Vickers motioned to approve the minimum/mid/max salary range recommended by the Springsted Study; motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

ANNOUNCEMENTS/ ADJOURN

Mayor Presgraves told fellow members and citizens that due to some serious health problems a few years ago he had originally commented that he would not seek re-election. Since that time he has made a full recovery and is feeling well. Mayor Presgraves said that it is his full intention to run for Mayor again. He added that he is feeling good and will pledge his loyalty and support to the citizens of Luray.

With no further business, the meeting was adjourned at 9:30pm.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer