

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

MONDAY, MAY 14, 2018

The Luray Town Council met in regular session on Monday, May 14, 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
Emily Reed, Luray Downtown Initiative
William Huffman, Luray Downtown Initiative
Jason Pettit, Luray Downtown Initiative/ Business Owner
Beverly Butterfield, Lord Fairfax Community College
Kim Blosser, Lord Fairfax Community College
Michelle Walters, 58 N. Broad Street – Rezoning/ Special Use Permit

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 Dofflemyer led everyone in the United States Pledge of Allegiance.

CONSENT AGENDA

Motion: Councilman Schiro motioned to approve the Consent Agenda, motion seconded by Councilman Vickers 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 4-9-18
- (B) Minutes of the Council Work Session 4-24-2018
- (C) Financial Report- Month Ending 4-30-2018
- (D) Accounts Payable checks totaling- 485,868.20

CITIZEN COMMENT

Ms. Kim Blosser, Lord Fairfax Community College, thanked Council members for the positive reception given to LFCC staff at the last meeting. She added that the college is excited to get to work on a new building. The new facilities will feature a trade's lab similar to that at the Middletown Campus. Ms. Blosser discussed funding efforts to date and noted that any additional funding will go toward a conference center. She recognized the great need for an indoor meeting space within Page County that is capable of hosting conferences, etc. Ms. Blosser discussed the importance of the Luray Center and the impact it has on our community. She noted that while some student may need to seek jobs outside the county; they will continue to live and spend money within Page County. Ms. Blosser said that funding to date amounts to 1.3 million and the projected opening for the center may be earlier than anticipated. The college's current location on Hawksbill Street is facing some uncertainty of ownership which may expedite the need for the move.

PUBLIC HEARINGS

Rezoning 18-1 - 58 North Broad Street

Town Manager, Steve Burke, presented information on the request for rezoning. The request is from Michelle Walters to Rezone 58 North Broad Street (Tax Map No. 42A4-A-53) from M1 to B1. The property abuts North Broad Street and is adjacent to M1 parcels. The rezoning is requested to allow Ms. Walters to use the property as a child care facility through the Special Use Permit application. Mr. Burke said that the Planning Commission approved the rezoning request at their meeting on April 11th. Mr. Burke explained that the rezoning of the dwelling will allow expanded use of property that has historically served as a residence. Mr. Burke acknowledged that the property is located in the FEMA floodway.

Michelle Walters- 58 N. Broad Street

Ms. Walters spoke to Council and provided members information regarding her daycare, including letters of reference. Ms. Walters said that the rezoning is needed in order for her daycare to continue as she plans to expand to providing care for up to twelve children. Ms. Walters explained that she is also working on her early childhood education degree. She has made upgrades to the property and completely fenced the rear play yard. Ms. Walters explained that she takes this request very seriously and emphasized that she provides a "daycare" not a babysitting service. She said that she is very passionate about providing quality care and stressed the need for daycare services in the area.

Councilman Dofflemyer asked about the regulations for providing care for more than four children. Ms. Walters said that she plans to bring on a full time employee and is permitted by state law to care for up to twelve children.

Councilwoman Pence asked if the rezoning conveys with the property if sold. Mr. Burke stated that it does convey with the property and added that he has not received any comments from neighboring property owners. Ms. Walters added that she will have insurance for her daycare and does carry flood insurance on her residence. Councilman Sours and Councilwoman Pence asked if the property would be considered mixed use. Mr. Burke said that the property has historically served as a residence and will be recognized as such in the motion. If the property is sold, it would revert to commercial use after two years.

Mayor Presgraves opened the Public Hearing for citizen comment. With no comments, the hearing was then closed.

Special Use Permit 18-2 – 58 North Broad Street

Mr. Burke stated that this is merely a continuation of the previous information, but should be a subsequent action of council.

Mayor Presgraves opened the Public Hearing for citizen comment.

Mari Cathern Farmer-3601 Leaksville Rd., Luray

Ms. Farmer said that her two-year old daughter is cared for by Ms. Walters and has been a blessing to her family. She stated that there is a large need for childcare in the community. Ms. Farmer said that she attended the Planning Commission meeting also, and understands that this will allow her to provide care to more children; including those in foster care. Ms. Farmer asked that Council approve this request.

Roberta Bowman- 66 N. Broad

Ms. Bowman stated that her children have went to Ms. Walters since they were born. Ms. Bowman explained that she is also Ms. Walters neighbor and often works long hours. She noted her appreciation for Council's consideration of this request.

Mayor Presgraves then closed the public hearing. Mr. Burke said that he recommends the motion include the conditions as stated in the staff report, despite that the motion from the Planning Commission did not include these conditions. Mr. Burke said that all surrounding properties are zoned commercially. Councilwoman Pence inquired what would happen if the daycare were to cease operation. Mr. Burke said that if another Special Use Permit were to be brought forth, Council could put conditions on that as well.

Motion: Councilman Sours motioned to approve the rezoning request 18-1 from Michelle Walters for 58 North Broad Street to rezone Tax Map No. 42A4-A-53 from Limited Industrial District (M-1) to Business District (B-1) as presented. Mr. Sours further moved that the following acknowledgements be included in the approval for rezoning 18-2; 1) Approval acknowledges the historical residential use of the property; 2) Approval acknowledges the location of the property being within the established FEMA Floodplain. Motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Motion: Councilman Schiro motioned to approve the request of Special Use Permit application SUP 18-2 from Michelle Walters for 58 North Broad Street to operate a child care facility as presented. Mr. Schiro further moved that the following acknowledgements and conditions be included in the approval for SUP 18-2; 1) Approval acknowledges the historical residential use of the property; 2) Approval acknowledges the location of the property being within the established FEMA Floodplain; 3) Approval is conditioned upon a fence being installed for operation as a child care facility; and 4) Approval is conditioned upon an executed agreement with parcel 42A4-A-52 to allow parking and drop off/pick up of children. Motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Special Use Permit 18-3- West Main Street Bridge Replacement

Town Manager, Steve Burke, said that Council is requested to consider a request from the Town of Luray to construct a replacement bridge on West Main Street over Hawksbill Creek through the issuance of a Special Use Permit for construction within an established floodway as required by Town Code Appendix A, Section 408.11(9) B.4. The bridge team has completed environmental review in compliance with National Environmental Policy Act.

Motion: Councilman Vickers motioned approve the Special Use Permit application 18-3 for the reconstruction of the West Main Street Bridge over Hawksbill Creek with construction in the established FEMA Floodway as presented, motion seconded by Councilman Dofflemyer with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

FY 2019 Budget

Mr. Steve Burke presented the Public Hearing for the FY2019 Budget. The budget highlights include; No projected tax increases, 1% Water and Sewer Rate increases, Funding Capital Projects, 2.5% Cost of Living Adjustment for staff, Addition of one Wastewater Operator, Addition of Police Canine, Vehicle Replacements, Sidewalk Improvements, and Funding LFCC Page County Center at \$400,000 over a five year period.

Councilman Sours discussed the funding for LFCC and doing so within the current FY2019 proposed budget. Mr. Sours expressed concerns with deferring other repayments. Councilwoman Pence suggested discussing the Town's financial commitment to LFCC at the work session meeting. Ms. Pence said that she is concerned the Town is putting "all its eggs in one basket". She emphasized that Council members need to focus on Economic Development through business incentives. Councilman Schiro countered what could be a better economic development tool than the college.

Councilwoman Pence felt there are not enough turn-key properties in town for businesses to move into. She suggested buying these buildings to rehabilitate them. Ms. Pence noted that two businesses moved into the Town of Shenandoah because there was no space in Luray. Councilman Sours suggested the town reserve the additional \$150,000 from LFCC to see what we may arise that the Town will need to apply this to. Mr. Sours said he doesn't see the upside to spending the additional \$150,000, beyond the \$400,000 commitment.

Councilman Schiro said he appreciated these comments, but confirmed that he is certain of the impact the additional funding will have on the community and youth. Mr. Schiro said that Mr. Sours and Ms. Pence are suggesting to reserve funds on the basis of speculation. Councilman Schiro said that these additional funds may speed up construction, ensure a quality facility, motivate other business donors, motivate Page County to donate funds, and set a precedent for the Town's commitment to the college.

Councilman Sours said that over the past five years many opportunities have come up that these funds could have been used for, not to mention the Town's existing debt. Councilman Sours explained that he doesn't want the town's obligation to additional funding to handicap its existing finances. Councilwoman Pence said it is Council's responsibility to enact economic development tools and \$150,000 would go a long way to develop jobs and businesses.

Councilman Vickers reminded that the Town spent a million dollars on the ball field improvements and said surely the Town could commit \$500,000 to the college. Mr. Vickers said that the Town can continue to look at economic development but felt this opportunity is dynamic.

Councilwoman Pence stressed that the Town receives approximately one million annually from business revenues and offers no refunds or incentives to business owners. Councilman Dofflemyer verified with Mr. Burke that the Town can contribute in-kind measures also. Councilman Sours continued that the Town's CIP Funding is not where it needs to be. He agreed that the town should make a contribution to the college, but that it should be right-sized. Councilman Lancaster and Councilman Vickers continued that they are happy with the \$500,000 contribution. Mayor Presgraves said that he sees no better return on investment than spending on the college.

Mayor Presgraves opened the Public Hearing for the FY2019 Budget. With no comments from the public, the hearing was closed.

TOWN BOARDS AND COMMISSIONS

Emily Reed, Luray Downtown Initiative

Emily Reed advised Council members that LDI has received its 2018 Main Street Accreditation. Miss Reed also provided members with a rendering of the new Main Street banners featuring the theme "Discover Downtown". Mr. Bill Huffman, LDI Board President, said that this design has been agreed upon by the board. He noted that this is a fall theme banner and LDI hopes to work on other seasonal banners as well. Councilman Sours requested a change in the type set on the banner. Mr. Huffman also explained that all funds for these banners have been raised by LDI. Miss Reed continued that LDI will hold its annual Chicken Chow Down event on May 18th at the Burner Barn and tickets are still available.

OLD BUSINESS

Draft Code Amendments

Town Manager, Steve Burke, discussed the draft code amendments and said that no action is needed this evening. Mr. Burke presented the Council with several options regarding Town Code Sections that apply to Itinerant Merchants and Peddlers. One option is to continue the \$500 Business License Tax Rate, another option is to modify the code to establish a \$100 per month Business License Tax rate for

transient food vendors and establish exemptions for Itinerant Vendor Business License taxes. An additional option is to establish a \$250 per year Business License Tax Rate for peddlers not selling perishable items and establish exemptions for Peddler Business License taxes.

Councilman Vickers said that during the Joint Towns meeting it was established that the Town of Shenandoah is maintaining the \$500 annual fee. Council members discussed that the Town of Stanley is allowing a \$30 fee but vendors are restricted to Ed Good Park. Councilman Schiro asked for clarification on the Itinerant Merchant versus Peddlers among the proposed revisions. Councilman Schiro maintained that he wants to protect those that have invested in a brick and mortar location. Councilman Lancaster reminded that there are currently three restaurant locations in town that are currently vacant. Members also discussed the auditing of gross receipts and meals tax revenues submitted by merchants.

Jason Pettit- Baby Moons – 113 E Main Street

Mr. Pettit discussed his business license with Baby Moons restaurant, catering license, and meals tax. Mr. Pettit continued that these pop-up businesses do hurt the revenues of established locations.

UPDATES & DISCUSSION ITEMS

Personal Property Tax Relief Resolution

Mr. Burke presented the annual resolution for Personal Property Tax Relief. The Town's annual reimbursement from the Commonwealth is set at \$74,574. The PPTRA rate is set for this year at 58.5% for personal use vehicles valued at \$1,001 to \$20,000.

Motion: Councilman Dofflemyer motioned to approve the Personal Property Tax Relief Resolution as presented, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

ANNOUNCEMENTS/ ADJOURN

Town Attorney, Jason Botkins, said that he had nothing further this evening. Mayor Presgraves reminded that one lane of the bridge will be closed beginning Wednesday for some preliminary site work. Also, one side of the pedestrian sidewalk will also be closed during that work. With no further business, the meeting was adjourned at 8:16 pm.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer