

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

MONDAY, JULY 11, 2016

The Luray Town Council met in regular session on Monday, July 11, 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
Katie Long, Luray Page County Chamber of Commerce
Jeff McMillan, Luray Downtown Initiative
Chris Slater, Page News and Courier
Mike Uram, Stanley Town Council
Erik Fox, Special Use Permit Request
Bill Brown, Vacation of Right-of-Way Request
Larry Seekford, 102 Dogwood Lane
James North, Hawksbill Trading Company
Jim Newman, Trackside Theater

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 Vickers 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 Sours 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 – 06-13-2016
- B) Minutes of a Council Work Session – 06-28-2016
- C) Financial Report for the Month Ended June 30, 2016 (draft).
- D) Accounts payable checks totaling \$ 339,371.02

GENERAL CITIZEN COMMENT

Mike Uram, Stanley Town Council

Mr. Uram thanked the Town Council members for attending the 50th Anniversary of the Stanley Homecoming Parade. He thanked members for their participation.

PUBLIC HEARINGS

Sign Ordinance

Town Planner, Ligon Webb, said that the Town Attorney has proposed changes to the sign ordinance as a result of a recent Supreme Court decision. The June 2015 Ruling states sign ordinances that impose restrictions according to a sign's content are unconstitutional. Mr. Webb said that the revisions are located in Appendix A (zoning), Articles IV and VIII, Sections 801 and 802.3 of the town's code.

Mr. Webb noted that the Planning Commission would like to make several changes at this time also. The commission would like to change 801.4(c) Changeable Copy Signs; remove the word "movie theater" and replace it with only the word "theater". Mr. Newman of the Trackside Theater has asked that the wording be changed to cover all theaters. Also, in Section 801.6 (d) "a maximum of 2 sandwich board signs", the commission would like to add the language "per business". Also, the commission would like to add 802.2 (d), there is currently no (d), to add the language "upon the termination of a business the zoning administrator may request signage be removed within 30 days". Thus, 802.3 (c) would be a duplication and could be struck from the code. Councilman Sours suggested keeping the language.

Councilman Schiro questioned the changes from the commission, whereas the changes from the Town Attorney relate to recent court rulings. He expressed concern that these changes were not related and were not specifically advertised for the hearing. Mr. Webb said that he did not think the changes were substantial and members would be within their rights to take action on this. Councilman Schiro said that while he is not opposed to the changes themselves, this is a significant administrative authority that we are determining. Councilman Lancaster agreed that he would like the Town Attorney to review the commission's changes. Mr. Webb said that since the advertising has taken place the topic can be tabled until the attorney can review the changes.

Mayor Presgraves opened the public hearing for citizen comment.

James North, Hawksbill Trading Company

Mr. North spoke on Section 801.6 (b) regarding feather banners. Mr. North said they are also referred to as “swooper flags” and that currently Hawksbill Trading Company has two of them on site. One of the banners is an open sign and the other is for the farmer’s market. The code allows for one banner and Mr. North said that he would like to be able to keep both. He added that many jurisdictions do not consider them under the sign ordinance since they are a flag and not a permanent structure. Mr. North said that he can understand putting a limit on the number of signs and also noted that the signs are very helpful for businesses with adverse locations. Mr. North asked members to consider these factors in their decision and look at any possible changes.

Jim Newman, Trackside Theater

Mr. Newman said that he is on the board of the Trackside Theater. Mr. Newman said he had given the revisions a thorough review and is impressed with the rewrite. Mr. Newman said that the feather banners may have a loop hole due to the definition stating they are anchored in the ground, when some are not permanent. Mr. Newman discussed the term “movie theater” and recognized that the town now has three theater venues. He stated that removing the word “movie” would allow all three venues to advertise their current information.

Mr. Webb asked for council’s opinion on the suggestion for two feather banners rather than the limit of one. Members agreed that two banners would be acceptable.

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

Motion: Councilman Lancaster motioned to table the sign ordinance revisions until the August meeting, motion seconded by Councilman Dofflemyer with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

Erik Fox Triplex Request in an R-4

Town Planner, Ligon Webb, presented the public hearing for Mr. Erik Fox for a special use permit to construct a triplex on a roughly 10,500 square foot parcel of land. The subject parcel is zoned R4 (high density residential), and a triplex is allowable by special use permit. At the May 11th meeting the commission tabled the request in order to further study some drainage issues on the rear portion of the parcel. Mr. Webb explained that staff has visited the site on several occasions and that the pooling of water seems to only happen during extreme rain events. Mr. Webb discussed the drainage issue and explained that Mr. Fox has proffered to contain the water on site. The Planning Commission unanimously approved Mr. Fox’s request at the June 15th meeting. Members discussed the storm water issues and the responsibilities of Mr. Fox and his requirements with the county building officials. Mr. Erik Fox said that the issue at hand is the building, he doesn’t see how it relates to the drainage problem. He stated further that he has already proffered to contain any storm water runoff on site. Members discussed maintenance issues associated with the triplex units.

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

Motion: Councilman Vickers motioned to permit the Triplex in an R4 Zoning district with proffers as presented, seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

Bill Brown’s Request to Vacate a Public Right-Of-Way

Town Planner, Ligon Webb, presented the public hearing for Mr. Bill Brown's request to vacate a public right-of-way. The public right-of-way is an unconstructed portion of Fifth Street. Mr. Webb explained that the requested area adjoins five parcels owned by the applicant. These parcels front on Dogwood Lane and Mr. Brown hopes to later build duplex units that would also front Dogwood Lane. The current issue is the vacation of right-of-way and any adjoining landowner who would like an equitable portion of the area may so indicate. Mr. Jeffrey Turner, adjacent neighbor, has indicated that he would like an equal portion of the right-of-way. Mr. Webb said that the town would maintain easements for utilities and drainage.

Councilman Schiro said that this situation is different from other vacation of right-of-ways. He said that in most cases the town has no interest in the property, whereas this is a right-of-way as opposed to an alleyway. Mr. Webb and Council members discussed the ownership of the property and the town's interest. Councilman Lancaster said that he knows the town has vacated many alleyways but never recalls vacating a "street". Mr. Webb said he is uncertain of how many of these unimproved streets exist. Members discussed the subject area and the requirements to bring a roadway to VDOT standards. Mr. Webb suggested that if duplexes are constructed in the future, then Dogwood Lane should be improved. He said that it would not meet highway maintenance reimbursements standards but should be improved.

Mayor Presgraves opened the public hearing for citizen comment.

Bill Brown, Vacation of Right-of-Way Request

Mr. Brown said that it makes no difference if he is able to add the square footage to each of his parcels, he will be able to build regardless. Mr. Brown said that many years ago he questioned which street was the frontage. Later he corresponded with the town and was told that the street would never be improved and Mr. Brown donated some property and built on the smaller street. Mr. Brown said that he certainly understands if the town does not want to give away its interest. Mr. Brown said that neighboring owners may have an interest in an equitable share of the right-of-way.

Larry Seekford, 102 Dogwood Lane

Mr. Seekford said that his property is next door to Mr. Brown. He explained that Dogwood Lane is a very narrow road and that he uses the right-of-way in question to park his travel trailer on his property. Mr. Seekford said that he is agreeable to the vacation of right-of-way so long as his property maintains access. Mr. Seekford said that he maintains the area right in front of his property currently. Mr. Seekford said that he too previously requested the area and was told that this area would never be developed.

Councilman Dofflemyer confirmed that Mr. Brown can still proceed with his duplex regardless of the vacation of right-of-way. Mr. Brown said that currently he does maintain the property, but he will not continue to do so if the request is denied. Councilman Dofflemyer expressed concern over the use of the private drive. Mayor Presgraves then closed the public hearing.

Mr. Webb asked Council members if they would consider the vacation of right-of-way. Councilman Schiro expressed concern of vacating the right-of-way and leaving the developer no choice other than Dogwood Lane. Mr. Schiro felt this could lead to a non-conforming situation. Members discussed further development of the roadway and continued maintenance of the right-of-way.

Motion: Councilman Vickers motioned to approve the request from Bill Brown for the vacation of right-of-way to include utility and drainage easements. Motion is not seconded; **motion failed.**

DEPARTMENTAL REPORTS

Planning and Zoning

Town Planner, Ligon Webb, said that the commission will meet on Wednesday. The subdivision on Collins Avenue will be reviewed and a final plat provided. This will be before the Council at the August monthly meeting.

TOWN AFFILIATED BOARDS AND COMMISSIONS

LURAY DOWNTOWN INITIATIVE

Jeff McMillan, Luray Downtown Initiative

Jeff McMillan thanked those that attended last month's Manor House opening. He said that this was a great success and LDI raised about \$1500. Mr. McMillan said he participated in the swimfest held at Lake Arrowhead. He reminded that Racine Multi Sports will hold the Luray Triathlon on August 20th and 21st. Mr. McMillan said that he is working with Jim Sims and Sara Levinson to better address Board effectiveness. He explained that this was a topic from the National Conference and he was able to learn some key factors. The Brown's building façade work continues and is nearly finished. The deadline for the Artisan's Trail participants is coming up, but members are still needed. The Luray directory is progressing and sponsorships are available. LDI also continues with plans to revamp its website using Standout Arts.—Mr. McMillan said that LDI hosted Mark Wilson, Small Business Development, for a restaurant seminar. The Regional Main Street group will hold meetings over the next three days in Staunton and will focus on economic revitalization and the impact of main street communities. LDI is nominated for this year's fundraising award. Mr. McMillan said that Senator Mark Warner has contacted the LDI office and an event will be held at the Mimslyn in honor of his visit. Members who would like to attend the Sunday Brunch should reserve their seat with the Mimslyn. Fundraising plans are underway for the second annual Tailgate Party. Mr. McMillan also updated members on the hotel feasibility study and the plans for a site visit.

LURAY PAGE COUNTY CHAMBER OF COMMERCE

Katie Long, Communications Director

Ms. Long said that Ms. Hilliard is out on maternity leave and provided monthly updates from the Chamber. Ms. Long noted that the Chamber has a new board member, Terry Martin of Anderson Corporation. Chamber staff attended several open house events and produced its monthly newsletter. Chamber staff continues its member outreach efforts by visiting members and dropping off Mudurance flyers and race packets. She noted that the Blue Ridge Mudurance has several sponsors already committed. Ms. Long provided monthly statistics for the Chamber and advised of three new memberships. There were nine member renewals, bringing total memberships up to 387. She noted that social media statistics continue to improve. Ms. Long discussed upcoming meetings for July and said that this month's Business After Hours will be held at Stevens Cottage in Shenandoah. There will be a Sip and Create event this month with the Pottery Lady, Cathie Miranda.

ANNOUNCEMENTS/ ADJOURN

Mayor Presgraves thanked everyone, especially Councilman Lancaster, for the employee picnic.

Councilman Dofflemyer said that he is receiving a lot of phone calls on the bear problem. Chief Cook said that the issue actually falls under the Department of Game and Inland Fisheries. The information given by that department is to avoid items that attract the bears and advised members remove bird feeders and keep trash inside until right before collection.

With no further business, the meeting was adjourned at 8:49pm.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer