

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

MONDAY, AUGUST 8, 2016

The Luray Town Council met in regular session on Monday, August 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
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
Rose Ann Smythe, Blue Ridge Heritage Project
Erik Fox, Final Plat Submission
Mark Malone, Luray Planning Commission
Bill and Linda Dudley, Vacation of Right of Way Request

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 Sours with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

Consent Agenda

- (A) Minutes of the Regular Council Meeting –7-11-2016
- (B) Minutes of Council Work Session –7-26-2016
- (C) Accounts payable checks totaling \$ 291,478.70
- (D) Adjusting Entries for FY 2015-2016 year end

PUBLIC HEARINGS

Request to Vacate Portion of High Street

Town Planner, Ligon Webb, stated that Mr. and Mrs. Dudley have requested that the Town vacate a portion of High Street which adjoins their property. The area is roughly 10 feet by 144 feet, and is a thin strip which adjoins the Dudley's property. Mr. and Mrs. Dudley would like to construct a stick built garage on their property and this would provide for the necessary setback of 5 feet. The requested area would have no effect on High Street as it narrows before becoming Cemetery Lane, or the public's ability to access this area. Mr. Webb said that this is a little different from last month's request in that the right-of-way would not be impeded for use by others. This would simply provide Mr. and Mrs. Dudley the setbacks needed to construct a garage.

Mayor Presgraves opened the public hearing for citizen comment.

Bill Dudley, 102 Wilson Ave.

Mr. Dudley stated that he, along with Ms. Dudley, appreciate the council's consideration of this request. He stated that the request is merely to vacate the portion of right-of-way in order to place a garage in the area shown on the map.

Mr. Webb said the same language can be used to provide the town the same easements as in recent situations. With no further comments from citizens, the public hearing was then closed.

Motion: Councilman Schiro motioned to approve the Vacation of Right-of-Way request from Mr. and Mrs. Dudley as presented, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

DEPARTMENTAL REPORTS

Planning and Zoning

Town Planner, Ligon Webb, said that the commission will not be meeting this month and will reconvene in September.

GENERAL CITIZEN COMMENT

Rose Ann Smythe, Blue Ridge Heritage Project

Ms. Smythe reminded members that she spoke to Council a few months ago regarding the Blue Ridge Heritage Project for Page County. The monument will commemorate the sacrifices of those who were displaced or who sold their land to establish the park. Ms. Smythe said that a list of the family names has been established and she provided members with a copy of what the bronze plaque will look like. Ms. Smythe explained that the monument is a replica of a stone chimney, symbolizing all that remained of the homes that once stood on the park. She

explained that she would also like to have some sort of interpretive signs that would tell short stories utilizing modern technology.

Ms. Smythe explained that she is not requesting any funding from the town, however she would like suggestions for the location of the monument. She said that after speaking with the towns of Shenandoah and Stanley, both have offered potential sites. Ms. Smythe introduced members of the site selection committee that are present this evening. She would like to see as many potential site options for the committee to choose from as possible. Ms. Smythe advised members that there is a facebook page for the project called “Blue Ridge Heritage Project of Page” and also a website www.blueridgeheritageproject.com.

Mayor Presgraves suggested a site at Lake Arrowhead for the selection committee and suggested that Council members take a look at this area. Councilman Dofflemyer suggested a site at the Page County Court House. Mayor Presgraves along with Council agreed that they would be happy to see the monument on town property. He invited committee members to look at some potential sites in town. Council members continued to discuss potential sites and what the monument would look like.

Motion: Councilman Dofflemyer motioned to accept the Blue Ridge Heritage Project concept and suggestions of prospective sites on Town property, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

TOWN AFFILIATED BOARDS AND COMMISSIONS

LURAY DOWNTOWN INITIATIVE

Jeff McMillan, Luray Downtown Initiative

Jeff McMillan reported that he attended the Staunton Regional Main Street conference last month at the Stonewall Jackson Hotel. He discussed the topics reviewed at the conference and said that LDI received an award for Outstanding Fundraising Efforts for its Chicken-Chow-Down event. Mr. McMillan reported that Senator Mark Warner’s visit at the Mimslyn was a success and there were about 40 attendees. He stated that LDI will be reordering the downtown brochures. A recent bankers’ luncheon was organized by the County regarding loan opportunities for local businesses. Mr. McMillan attended the Opportunity Luray meeting and they showed interest in helping with the Vision Luray task force agenda and also found value in the town office accepting online payments. Mr. McMillan said that he volunteered as a road guard for the recent bike race and plans are underway for the 2nd Annual Tailgate event. He thanked the town council members for their contribution to LDI for the first half of this fiscal year. After a meeting with Virginia Mainstreet, representatives have suggested expanding the downtown designation one block in each direction in order to include more businesses. Mr. McMillan noted the opening of Baby Moons, and said that Hawksbill Brewery has postponed its opening until January 2017. He also reminded of the upcoming Triathlon on August 20th and 21st.

LURAY PAGE COUNTY CHAMBER OF COMMERCE

Katie Long, Communications Director

Ms. Long provided the monthly highlights for the August newsletter and noted that Gina Hilliard is still out on maternity leave. Monthly outreach included chamber representatives spending the day in Harrisonburg meeting with potential members and posting Mudurance flyers. Chamber staff attended the recent open house for Luray Family Dental and attended the Luray Sprint movie night.

Regarding the Mud Race, four sponsors have now been obtained. Over 50 participants have already committed to the race and the event is showing positive results already. Monthly statistics include five new members, and eight membership renewals. Total Chamber membership is now at a total of 389 members. Social media statistics continue to increase as well.

Ms. Long discussed past meetings attended and upcoming meetings for the Chamber staff. Past events included the Business Networking Breakfast, ribbon cutting events, brunch with Mark Warner at the Mimslyn, the Sip and Create, and more. Upcoming events include three radio shows, a Business Networking Breakfast, ribbon cutting events at Luray Bed and Breakfast, Baby Moons Grand Opening, and the one year anniversary of 55 East Main Brewhouse.

ITEMS FOR COUNCIL ACTION

SIGN ORDINANCE

Town Planner, Ligon Webb, reviewed the revisions to the Sign Ordinance that were discussed at the work session. The changes were in regard to feather banner, termination of business, and movie theater to “theater” only. Mr. Webb reminded that the first set of revisions, in Article II, are at the suggestion of the Town Attorney for items that may be considered unconstitutional. The second set of revisions is at the suggestion of the Planning Commission and relate to Article VIII. Members discussed the changes to Section 802.2 (d) to provide that the Zoning Administrator may request the removal of signs within 30 days. Section 802.2 discusses the termination of business and the removal of sign frames/structures due to the cessation of business activity. Mr. Webb explained that the frame can remain so long as it is not derelict or unsafe. Councilman Schiro reminded fellow council members that there is never going to be a perfect ordinance and that this is a moving document and must be fluid to revision with the changing character of the town and its businesses. Mayor Presgraves reminded that the town does not want to be overly prohibitive to new businesses in regards to the sign’s frame or structure. Councilman Sours said that he would like to change the wording in 802.2 (d) from “signage” to “sign”.

Motion: Councilman Sours motioned to accept the Sign Ordinance revisions as presented, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

FINAL PLAT SUBMITTAL- MR. ERIK FOX, COLLINS AVE.

Town Planner, Ligon Webb, presented information on the Final Plat Submittal for Erik Fox. Mr. Fox has submitted a final plat to subdivide a single R2 zoned lot on Collins Avenue. Mr. Fox intends to subdivide the existing 20,000 square foot lot into two lots, both containing 10,000 square feet each in area. Mr. Fox plans to construct a single-family home on each lot. Mr. Fox was previously denied his plans to construct a duplex on the parcel and has since decided to divide the lot and construct two single family homes. A survey from Mr. Fox was brought before the Planning Commission and was approved. Mr. Webb provided members a copy of this survey. On the survey, Lot 1, will be providing a 20 foot easement across Lot 2 for access. The proposed area would be prepared as a shared driveway and parking area. Mr. Fox will build the entrance according to VDOT specifications that are similar to other entrances in the town/county. Mr. Fox has provided a second option that would allow both parcels to touch Collins Avenue. Mr. Webb reminded that this is not a public hearing and is an administrative decision. He said that Mr. Fox has put a great deal of effort into this and discussed the entrance with VDOT representatives. The Planning Commission has voted unanimously to approved the final plat submittal. Councilman Sours discussed the definition of “adjacent” versus “abut”.

Councilman Schiro said that he applauds the Planning Commission and Mr. Fox for their work on this. Mr. Schiro said that regarding the two options, he feels the option with the easement is a better choice in terms of practicality. However, Councilman Schiro expressed concerns about the precedent that is being set by ignoring the requirements of the subdivision ordinance and future applications that may be before the Council. Other circumstances may be less desirable to allow the private easement. He cautioned against lessening the enforceability of the subdivision ordinance by approving something that is in contrary to the zoning ordinance. Councilman Schiro suggested changing the ordinance rather than allowing the contradiction. Mr. Fox countered that similar entrances exist throughout the town. Councilman Schiro agreed that these do exist but as the need for housing increases the situations of private easements may become more frequent. Council discussed if changes would be needed to the subdivision ordinance. Mayor Presgraves questioned if council should hold the required public hearings and change the ordinance. Councilman Lancaster questioned the width of the driveway and easement to the second lot. Councilman Lancaster discussed an example of this in town and has personally seen this cause issues with parking. Mr. Fox said that the entrance would be in accordance with VDOT standards and countered that he feels there is more than ample allowance for parking.

Councilman Sours asked about the time frame for changing the ordinance. Councilman Lancaster suggested this would necessitate changing the zoning ordinance also. Mr. Webb explained that meeting advertising requirements and going through the review process would take a couple of months. Mr. Webb said that we could still move forward with changing the ordinance and Mr. Fox could wait until this is complete. Councilman Dofflemyer said that he would be comfortable waiting for the amendment. Mr. Webb said that the changes to the ordinance could possibly be approved in November. Mr. Fox said that if he would wait until November he would like assurance that one of the surveys will be approved. Councilman Schiro said that this evening he would support the option that complies with the code and that in a few months Mr. Fox could come back with the alternate survey under the revised code. Councilman Schiro acknowledged that Mr. Fox has been very patient and is trying to create quality housing.

Planning Commissioner, Mark Malone, said that when this came before the Planning Commission he asked if this was in compliance and he raised question if there was sufficient width. Mr. Webb said that the commission reviews the information based on ordinances and staff reports. The commissions review included the two options and Mr. Webb said that often codes and ordinances come down to one or two words that are debated. He added that two surveys were provided.

Motion: Councilman Lancaster motioned to table the discussion on the Final Plat for Erik Fox. Motion is not seconded; **motion failed.**

Motion: Councilman Schiro motioned to approve the Final Plat for Erik Fox, Option #2, as presented, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Sours, Meaney. NAY: Lancaster. **Approved 5-1**

Councilman Dofflemyer asked if staff would pursue the ordinance changes. Mr. Webb said that a few changes could be made to clarify minor areas of the ordinance.

EXECUTIVE SESSION

Personnel, Section 2.2-3711.A.1

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing matters relevant to Section 2.2-3711.A.1.

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

Motion: Councilman Vickers motioned to adjourn the closed session and to reconvene in open session; Councilman Lancaster seconded the motion with the following members voting YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **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.1 were heard, discussed, or considered during the closed session. **The roll was called with all members certifying “Yes”.**

ANNOUNCEMENTS/ ADJOURN

Mayor Presgraves reminded members and staff of the upcoming ribbon cutting events. With no further business, the meeting was adjourned at 10:17pm.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer