

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

MONDAY, FEBRUARY 9, 2015

The Luray Town Council met in regular session on Monday, February 9, 2015 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
Pam Flasch
Jerry Schiro
Leroy Lancaster
John Meaney

Also Present:

Charlie Hoke, Town Manager
Mary Broyles, Clerk Treasurer
Danielle Babb, Deputy Clerk Treasurer
~~Ligon Webb, Town Planner~~
Junior Roy, Luray Police Department
Jeff McMillan, Page News and Courier
Nancy Shifflett, Luray Downtown Initiative
John Robbins, Luray Page County Chamber of Commerce
Stephanie Lillard, Page County Economic Development Coordinator
Liz Lewis, Luray Downtown Initiative
Jason Spitley, Town Attorney

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. Mayor Presgraves led everyone in reciting the United States Pledge of Allegiance.

CONSENT AGENDA

Motion: Councilman Vickers motioned to approve the Consent Agenda, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Flasch, Schiro, Lancaster, Meaney.

Approved 5-0

Consent Agenda

- A) Minutes of Regular Council Meeting – 1-12-2015
- B) Minutes of Council Work Session – 1-27-2015
- C) Financial Report – Month Ending January 31, 2015
- D) Accounts payable checks totaling \$ 112,191.59

GENERAL CITIZEN COMMENTS

There were no citizens signed up to speak during this portion of the meeting.

UPDATES AND DISCUSSION ITEMS

PAGE COUNTY ECONOMIC DEVELOPMENT

Ms. Stephanie Lillard, Page County Economic Development Coordinator, announced to Council members that Page County has been awarded the designation of Enterprise Zone. Ms. Lillard said that her intent this evening was to share this exciting news with members and to do a very brief overview of the Local incentives that were included with the designation. One of the incentives included is the Capital Investment Grant, which could be a benefit to downtown development. This offers a tax rebate to individuals that are interested in investing in real/personal property. The eligibility requirement is \$100,000 in new investment and the EDA is already speaking with a potential applicant. Another incentive is the BPOL, Local Sales Tax, Meals Tax and/or Lodging Tax Refund. The benefit provides for a percentage of the business license fee, local sales tax, meals or lodging tax paid by a qualifying company to be refunded over a five year term. The Business Development Loan Program Grant was previously in existence but will now be for businesses exclusively within the zone and is based on the availability of funds in the Business Development Loan Fund. Another incentive is the Commercial Rehabilitation Real Estate Tax Exemption, this would be most applicable to Main Street properties. The benefit of this incentive provides for an exemption on the increase in assessed property value resulting from the rehabilitation of existing commercial or industrial real estate. One requirement is that the renovated property must be at least 15 years old. Ms. Lillard also noted that she hopes a provision can be added to provide for mixed use properties, whereas many Main Street properties are commercial downstairs with a residential second story. Other incentives include Waiver or Refund of Various Development Fees, the Fast-Track Permitting Program, Business Visitation Program, and the HUBZone Assistance Grant.

Councilman Schiro asked if the overlay zone was in fact contiguous throughout the county or if they were designated areas within. Ms. Lillard said that the zone does not include the entire county but the zone is contiguous amongst the three towns and is connected by Highway 211/340. Councilman Lancaster expressed concern that some of these incentives seem geared toward large businesses. Ms. Lillard clarified that some of these are State Incentives for example the Job Creation Grant. Ms. Lillard said that she feels the best fit incentives of the program are the Local benefits which will likely help Luray's downtown area.

PUBLIC HEARINGS & PRESENTATIONS

LEASE OF CONCESSIONS 1 AND 2 AT RALPH DEAN PARK

Town Manager, Charlie Hoke, said that in October staff presented information on the possibility of leasing the concession stands at the Ralph Dean Recreation Park. Mr. Hoke said that the State requires that a public hearing be held before the town can move forward on this. He stated that staff would recommend that the Council approve the lease of Concession Stands 1 and 2 at the park.

Mayor Presgraves opened the public hearing for citizen comment. With no one present to speak on the issue, the hearing was then closed. Councilman Vickers confirmed that no one is excluded from submitting a bid and that this is open to any organization.

Motion: Councilman Lancaster motioned to accept the leasing of the Concession Stands 1 and 2 at the Ralph Dean Park as presented, motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Flasch, Schiro, Lancaster, Meaney. **Approved 5-0**

SIGN ORDINANCE

Town Planner, Ligon Webb, said that there are two schools of thought...some want no Sign Ordinance whatsoever and others prefer to restrict even colors and styles. Mr. Webb said that the town tries to fall somewhere in the middle and offer some flexibility. Mr. Webb presented a draft ordinance that has gone back and forth for a little over a year now between the Council and Planning Commission. Mr. Webb noted that as changes have been made they have been noted in the draft copy. Mr. Webb reviewed changes to Sections 801.4-Special Definitions, 801.5- Prohibited Signs, Section 801.6 – Exempt Signs, 801.7- Signs Requiring Sign Permit, 801.9- Development Standards, 801.10- Construction and Maintenance Standards and 801.11- Nonconforming Signs. Mr. Webb went on to cover highlights from Sections 801.2-Permitted Signs, 802.3-Signs in the Business District, 803.1- Administration and Sign Procedures and 803.2- Temporary Sign Permit Procedures.

One area of discussion was Section 801.7 (f) regarding Sandwich board signs. One change that was made is the change from a distance of 200 feet to 350 feet for sandwich board signs. Mr. Webb recognized that changes over the past year have ranged from a total prohibition of off-premises signs, to keeping them on the property, to 100, 200, and 350 feet away from the property. Councilman Vickers said that the provision for 350 feet would allow the Art Warehouse to be within compliance for their sign at the corner of Main/Broad Street.

Mayor Presgraves opened the Public Hearing for Citizen Comments. With no one present to speak on the issue, the hearing was then closed.

Councilman Lancaster expressed concern that areas of the ordinance are being amended to provide for one person's situation. Councilman Schiro felt the Town Council should not be the appellate body for decisions that should perhaps be determined by the Board of Zoning Appeals. Mr. Webb felt that his would only be applicable in the case of a hardship. Town Attorney, Jason Spitler, said that it would be difficult to find a sign issue that would be considered a true hardship, however that's not to say that it could not be added to the board's duties. Mr. Spitler said that he does not see any harm in the Council being a part of this process. Mr. Spitler said it is neither a variance nor hardship issue but that doesn't say there cannot be another appellate body. Councilman Lancaster said his concern is that on January 15th the ordinance said that the sandwich board sign must be within 350 feet of the business, on June 5th there was no distance requirement as off premises signs were not permitted, now the current advertisement directs individuals to the town website; in which a version states a requirement of 200 feet. Councilman Lancaster said that all of these versions have existed in the last six months. Mr. Lancaster said he would like for the Sign Ordinance to go back to the Planning Commission. Councilman Vickers also mentioned Feather Banner signs and had hoped they would be prohibited. Council members agreed that feather banner signs often quickly diminish in condition and were not desirable for downtown businesses.

Council Members suggested tabling the issue and reviewing at the work session meeting on February 24th. Town Attorney, Jason Spitler, stated that if members were to table the issue until the work session and plan to take action at the next regular meeting in March, they would be within their requirements of notification and would not need to incur the expense of another print advertisement. Mayor Presgraves stated that there are obvious unresolved questions so he would suggest that the issue be tabled until the work session and that Council take action at the March meeting. Councilman Schiro said that Mr. Webb will need some direction from members on this. Mr. Webb said that he will identify the issues discussed for the work session.

Motion: Councilman Lancaster motioned to table the Sign Ordinance until the work session on February 24th and to take action at the March 9th Regular Council Meeting as discussed, motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Flasch, Schiro, Lancaster, Meaney. **Approved 5-0**

DEPARTMENTAL REPORTS

PLANNING AND ZONING

Town Planner, Ligon Webb, said that he will be working on a forthcoming ordinance amendment to incorporate the Enterprise Zone into the town's code. The Planning Commission will review this at their Wednesday meeting. This action is required by the state before the benefits of the Enterprise Zone can be realized. Mr. Webb said that the Commission will likely hold a Public Hearing on this in March and this will be on the Council's April agenda.

POLICE

Mayor Presgraves stated that he would like to read aloud a letter for everyone present. The letter was from Chief Page D. Campbell and stated his intent to retire from the Luray Police Department on January 1, 2016.

TOWN AFFILIATED BOARDS AND COMMISSIONS

LURAY DOWNTOWN INITIATIVE

Nancy Shifflett, Luray Downtown Initiative

Ms. Nancy Shifflett, LDI Board Member, thanked Council members for attending the recent meetings of LDI. She felt that these meetings have went very well, received good responses, and were fortunate to host Alex Berry of Virginia Main Street as a guest speaker. Ms. Shifflett said that just last week, LDI was privileged to host Kathy LaPlante from National Main Street regarding Fundraising and Promotions. Ms. Shifflett said that the new committees have been formed and that new members and officers have been named. Ms. Shifflett said that Judy Bell has come on as a new member. Bill Huffman has been selected as board Secretary and David Slye will serve as the Interim Treasurer. The Fundraising Committee will be comprised of all board members with Starr Johnson serving as the committee chairperson. The Revitalization Committee includes Ms. Shifflett, Councilman Schiro, Town Manager Hoke, and Leslie Curle. The Board Manual Committee will be led by Bill Isenberg and the Media Relations will be led by Eleanor Ames. The Personnel Committee will be led by Jim Sims and Financial Reporting will be led by David Slye. Ms. Shifflett said that all of LDI's committee's and work groups are busy and meeting their timeline.

LURAY PAGE COUNTY CHAMBER OF COMMERCE

John Robbins, Chamber Director

Director John Robbins said that the Chamber held its fifth annual Wedding Forum last week with 40 participants. On February 12th the Chamber will host a breakfast with the new owner of the radio station and 26 participants are signed up. Mr. Robbins noted two spring ad campaigns that are coming up, one is a radio campaign and the other is web based. Mr. Robbins announced that in November the Chamber applied to Virginia Tourism Corporation for a grant to run an 18-month promotional campaign and has been awarded this funding. A full press release with details will be forthcoming and Mr. Robbins congratulated Pam Flasch on receiving her fifth consecutive grant award. In January a meeting was held with Mark Andrews, a development representative of Cobblestone Hotels, who is interested in the area. Mr. Robbins said that the January Business After Hours was

held at PALS and the February event will be hosted by Luray Adventist Church. March 26th is the date for the annual Cabin Forum and will feature discussion on lodging tax. Tourist walk-ins to the Chamber in January were 645 and local walk-ins were 365. Mr. Robbins said that some questions are coming up about when the Depot Museum will be opening and he is still under the impression that April is the target date.

ITEMS FOR COUNCIL ACTION

Community Development Loan Program

Town Manager, Charlie Hoke, stated that the Gathering Grounds, a successful local restaurant, has applied to the Luray Downtown Initiative for the revolving loan program. LDI's loan review committee has recommended the applicants for approval. Staff is asking the Council to approve the five year, interest free loan in the amount of \$10,000.

Motion: Councilman Schiro motioned to approve the CDBG Loan Application for Gathering Grounds as presented, motion seconded by Councilwoman Flasch with the vote as follows: YEA: Council Members Vickers, Flasch, Schiro, Lancaster, Meaney. **Approved 5-0**

Request to Rescind a No-Trespass Notice

Mr. Hoke said that in late 2013 there was some vandalism on the Greenway and there have been several requests over the years to rescind some of these no trespass notices. However, this is the only individual that has completed his community service and paid his portion of the restitution for these damages. The individual has also provided a written apology to the town and its citizens for such damages. Staff is recommending that the no trespass order be rescinded, whereas this individual has completed all necessary items and the judge has dismissed the charges.

Motion: Councilman Lancaster motioned to rescind the No-Trespass Notice for Layton H. Foster , such that he may be permitted on town property at any time, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Flasch, Schiro, Lancaster, Meaney. **Approved 5-0**

TOWN ATTORNEY'S REPORT

Town Attorney, Jason Spitler, stated that he would be willing to follow up on the Sign Ordinance discussion. He offered to explore what other localities are doing in regards to appeals to the ordinance and report back for the work session meeting.

ANNOUNCEMENTS/ADJOURN

With no further business, Mayor Presgraves adjourned the regular session of the Luray Town Council at approximately 8:20pm.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer