

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

MONDAY, JULY 13, 2015

The Luray Town Council met in regular session on Monday, July 13, 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
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
Assistant Chief Carl "Bow" Cook, Luray Police Department
Jeff McMillan, Page News and Courier
Nancy Shifflett, Luray Downtown Initiative
LDI Board Members
John Robbins, Luray Page County Chamber of Commerce
Jason Spitler, Town Attorney
Jason Pettit, Sign Permit Request
Leslie Curle, People Incorporated
Tyler Austin, Racey Engineering
David Pullen, Racey Engineering
Jim Sims, The Mimslyn Inn
Alan Eldridge (*Public Hearing*)

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. The roll was called with no members absent.

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 – 6-8-2015
- B) Minutes of Council Work Session – 6-23-2015
- C) Financial Report – Month Ending June 30, 2015
- D) Accounts payable checks totaling \$ 326,903.00.

PUBLIC HEARINGS

Rezoning Request Mimslyn Inn

Town Planner, Ligon Webb, presented the rezoning request for the Mimslyn Inn (Mimslyn Inn Properties, LLC). The request is to rezone 2.3 acres from R2 Zoning to B1-C (General Business with Conditions). The subject parcel is adjacent to the Mimslyn Inn and was recently acquired. Mr. Webb provided a brief power point presentation and also highlighted the history of the Mimslyn Inn. He also noted the significant economic impact of the Mimslyn Inn on local tax revenues. The subject parcel was formerly owned by the Falter's who obtained a special use permit by the Town in 2003 to operate three of the four cabins on the property as short term rentals. The applicant intends to continue using the four cottages as short-term rentals, convert the existing single-family home into short-term lodging, and eventually construct six (6) additional short-term rental cottages on the subject and adjacent properties. As a condition of the rezoning request the applicant has provided a voluntary proffer letter. The letter provides measurable conditions in which the applicant would be required to adhere to if rezoning is approved. Failure to adhere to such conditions would result in a zoning violation.

The applicant is proposing to use the existing single family home as a short term rental and an event location, with the four existing cabins used as short-term rentals and potentially long term rentals if rezoned. At total build out the, the site plan shows two additional cabins being constructed on the subject parcel and four more cabins being constructed on the adjacent Mimslyn Inn parcels, resulting in ten cabins total. The applicant is proposing a two part phasing plan for the site.

Phase 1 of the plan would include a hard surfaced access road from the Mimslyn Inn parking lot and parking to accommodate 22 vehicles. No new rental cabins will be constructed during Phase 1. Also, during Phase 1 the existing entrance/exit located on South Court Street will be closed to the public and restricted for Mimslyn Inn staff and emergency personnel only. Phase 2 of the plan would extend the hard surfaced access road to the west. This portion will accommodate an additional six short-term rental cabins. The six proposed cabins would be constructed during this phase.

The conditions of the proffer letter include such considerations as; the closure of the South Court Street entry/exit, limiting use of the property to that such as hotels, motels, lodges, country inn, and low profile lighting on the site. Mr. Webb stated that these conditions; if the property were to be sold, would transfer with the land's title.

The Planning Commission did unanimously approved the rezoning by a 7-0 vote. Mr. Webb said that some concerns were raised during the review regarding the enforceability of the submitted proffers. However, legal counsel has assured that the signed proffer statement would be wholly enforceable. Mr. Dofflemyer asked about the timeline for the closure of the South Court Street entrance. Mr. Webb said that the current use of the property

is not much different than that of the previous owners and should not result in any difference in traffic volume. He noted that once the new access road is in place the access from South Court Street would be closed.

Mayor Presgraves then opened the Public Hearing for Citizen Comment.

Alan Eldridge – 151 South Court Street

Mr. Eldridge noted his experience serving on the Page County Planning Commission and the Luray Board of Zoning Appeals. Mr. Eldridge said that he wants to be clear that he does not oppose to the Mimslyn’s objectives. However, he does have some concerns about the proffer letter. He stated that his concerns are with the “bed and breakfast” terminology and noted the town’s code on such. Mr. Eldridge explained that currently they do not conform to the definition of bed and breakfast and are therefore acting in violation. Mr. Eldridge also noted concerns with light and sound pollution due to the parcels proximity to the residential area of South Court Street. Mr. Eldridge also expressed concerns for the lack of completion dates for Phase1 of the project or for the closure of the South Court Street entrance/exit. Mr. Eldridge stated that the document is titled a “proffer” letter and by definition should be something of value that is given; yet he sees no specific benefit to the town, whereas tax collections are a requirement of the business owner.

Mr. Jim Sims – General Manager, the Mimslyn Inn

Mr. Sims said that the purchase of the property was negotiated several months ago and feels that the use of the property is within the town’s code. Mr. Sims noted the increase in tax revenues generated from the Inn since the Asam family purchased the property about eight years ago. He noted that the Mimslyn Inn is certainly an economic generator for the town. The guests not only contribute to the transient occupancy tax but also to meals and sales tax revenues. Mr. Sims said the goal is to provide additional lodging to accommodate more guests who can shop and dine locally. Mr. Sims said that the Inn has neighbors on both sides and has never received a complaint regarding noise and requires guests to abide by a quiet policy.

Mr. Sims said that they are hoping to proceed with Phase 1 as soon as possible. He explained that they plan to close the South Court Street entry/exit within the next year or sooner. Councilman Lancaster asked when the target is to finish Phase 1. Mr. Sims said that depending on weather conditions it could be as early as October or as late as spring, but that they plan to move as quickly as possible.

Mr. John Robbins – Director, Luray Page County Chamber of Commerce

Mr. Robbins commented on the Mimslyn Inn’s plans and stated that this is a positive sign to outside investors when they see growth. He noted that when an institution such as the Mimslyn Inn is growing it provides encouragement to other businesses.

With no further comments Mayor Presgraves closed the Public Hearing.

Town Planner, Ligon Webb, noted that the special use permit issued to the Falter’s did not really fit the definition of bed and breakfast, it was for 3 rental cabins, and regulated the serving of meals. Mr. Webb said the permit was transferrable and therefore the Mimslyn is operating under this assumption. Mr. Webb said that the permit was very clear on these regulations and allowed Mr. Sims to operate the property under such provisions.

Motion: Councilman Schiro motioned to approve the rezoning with the proffers stated by the Mimslyn Inn, the rezoning would be to a B1-C (Business with Conditions), motion seconded by Councilman Vickers.

Mayor Presgraves asked for question on the vote: Councilman Dofflemyer expressed concern about the closure of the South Court Street entry/exit. Mr. Webb stated that discussions with the management were that this would not be suitable as a main entry point. Mr. Webb said that the current use of the entry on South Court is not much different than that of the Falter's use and he hopes that the closure will come sooner rather than later. Councilman Sours asked if this entry would be used during the construction phase. Mr. Sims said that construction traffic would utilize the Mimslyn property as its access point. With no further question the vote proceeded as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. Approved 6-0

DEPARTMENTAL REPORTS

PLANNING AND ZONING

Town Planner, Ligon Webb, had no further items of business for the evening.

TOWN AFFILIATED BOARDS AND COMMISSIONS

LURAY DOWNTOWN INITIATIVE

Nancy Shifflett, Luray Downtown Initiative

Ms. Nancy Shifflett, LDI Board Member, noted the recent community meeting on June 26th. She advised that about 54 attendees were present. Ms. Shifflett said that the Revitalization Manager from Virginia Mainstreet provided upbeat discussion and encouragement. Ms. Shifflett provided a handout to Council members regarding the topic discussed at the meeting. These topics will assist in the development of LDI's strategic plan. Ms. Shifflett said that she attended the Opportunity Luray meeting with a guest speaker specializing in retail. The objective of the presentation was to discuss the impact of the bridge project on retail stores downtown. She said that the construction can serve as a positive impact on retail businesses rather than a problem. Ms. Shifflett advised Council members of an upcoming Virginia Main Street training session in Lynchburg and noted that Jim Sims will serve as the board's attendee.

Ms. Shifflett noted changes to the number of board members for LDI and newly appointed members. She stated that the board has reviewed policies/procedures and a personnel manual. Ms. Shifflett has made an arrangement with the Shenandoah Valley Small Business Development Center to provide use of LDI's office space one day per week for Sara Levinson to work with those in need of a business plan. SVSBDC has graciously given LDI Ms. Levinson's time to help in business development efforts.

Ms. Shifflett said that LDI board members, stakeholders, and volunteers visited Harrisonburg's downtown on July 8th. She noted highlights of their tour of downtown and was encouraged by the renovations to old buildings and the developments in retail, restaurant, and housing in downtown Harrisonburg. Councilman Vickers said that he was impressed with the mixed use of the downtown buildings and the housing above the retail spaces. He noted that they were very nice and would love to see this type of housing in downtown Luray.

Ms. Shifflett said that new rack cards have gone to press and invited council members to take a look at LDI's updated website. The Tailgate Party fundraiser work continues and total sponsorships of \$22,500 have been received to date. The Pay It Forward Main Street board campaign total is now up to \$11,500 annually which amounts to a \$57,500 in total over the five year term. Ms. Shifflett thanked Racey Engineering for their recent contribution to this campaign. Ms. Shifflett thanked the town for their contribution for the 2015-2016 fiscal year.

LURAY PAGE COUNTY CHAMBER OF COMMERCE

John Robbins, Chamber Director

Director John Robbins said that the Triathlon is only about 4 weeks away and the Chamber will be staying open later to accommodate these guests. Also, the Chamber will be staffing the registration area at Appalachian Outdoors to assist guests with questions. Mr. Robbins said that Triathlon Director, Ken Racine, was recently on the Tourism Tuesday radio broadcast regarding the upcoming event. Mr. Robbins added that the Chamber is also working with the Shenandoah Valley Small Business Development Center, specifically Joyce Krech. Later this month a seminar will be held on services that can be provided to small businesses through the administration and through People Incorporated. Mr. Robbins noted that the seminar will be held in Shenandoah and the Chamber will continue to make efforts to provide seminars and trainings throughout the county to accommodate all members. A separate training seminar is planned for October with Leslie Currle of People Incorporated called Entrepreneur Express that is specifically for new business start-ups. On July 25th, a professional portrait session will be held at the Visitors Center with CK Photography and will include a training session regarding Linked In. Other upcoming events include the Luray Triathlon pre-race clinic on July 25th, the Shenandoah Time Trial on July 25th, Shenandoah Speedway Criterion on July 26th, Page Valley Road Race on August 1st, the DOAH Fest July 31st –August 1st, and Bluegrass in the Blue Ridge benefit hosted by the VFW.

UPDATES AND DISCUSSION ITEM

Jason Pettit- Sign Request

Mr. Jason Pettit provided a packet prior to the Council meeting for members to review. The submission provided a brief overview of the request and his presentation during last month's Citizen Comment period at the regular Council meeting. The request is for a vintage sign that dates back 65 years with the town, Mr. Pettit has owned sign for the last 25 years. The initial permit was a request for a pole mount sign but he is open to the option of a projecting sign which is mounted to the building. Mr. Pettit noted that his business presents an issue for the pole mount sign due to the grading slope of the property, the town's sign ordinance height restrictions, and the code's set back requirements. Mr. Pettit said that he has discussed both the pole mount and building mount options with Racey Engineering. The building mount option allows Mr. Pettit to meet the setback requirements but still presents a height issue. He noted that the sign needs to be in excess of 10 feet from ground level for safety and to protect the sign from damage. Also, the permit refers to the dimensions of the "EAT" arrow and may be difficult for members to envision its size. He provided a scale model to show members the dimensions and give an idea of the sign in relation to the roof line of the building.

Mr. Pettit noted his research on the town's sign ordinance and stated that his request comes under Section 802.3 (a). The section provides for "*Sign types, styles or unique sign situations, not specifically listed in this ordinance, can be submitted for approval by the town council.*" Mr. Pettit stated that he would like consideration for his request due to historic nature of the sign, the local history associated with the sign, and because the height variance of the sign is merely for preservation of the sign itself.

Mr. Pettit also noted other concerns regarding the sign ordinance as it relates to existing signage throughout the town. Councilman Vickers asked for explanation of the lighting structure of the sign. Mr. Pettit explained how the neon relates to the outline of the lettering on the sign. Mr. Pettit also explained how he came to own the sign and reviewed its history throughout the town. Councilman Dofflemyer asked if there was a target date for the opening of the business. Mr. Pettit said that his goal for opening is March 2016. Councilman Dofflemyer questioned if the building mount was acceptable rather than the pole mount. Mr. Pettit said that it was acceptable

either way and explained the display of the business signage as it would relate to the wall mount. Mr. Pettit also reminded that the neighboring property owners have submitted a letter of support for the illumination of the sign. Councilman Vickers said that he is in support of the concept of using a vintage sign in the historic district.

Motion: Councilman Lancaster motioned to approve the request from Jason Pettit for the sign and to permit the height needed; additionally the approval of the request is due to the unique character and historic significance of the sign, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

ITEMS FOR COUNCIL ACTION

Commercial Entrance for the Laurance Building

Town Manager, Charlie Hoke, said Council members have a request for the commercial entrance to the Laurance Building for consideration. The owners have supplied all the required information in accordance with the Town Code and the matter is before Council for approval. The entrance does cross the town's right-of-way and the owner is requesting to construct the commercial entrance. Mr. Hoke noted that staff recommends approval of the entrance. Councilman Schiro confirmed that the schematic design provided is not an official survey. Mr. Hoke said that the survey was conducted and the measurements used for the design. Councilman Schiro confirmed that the survey data indeed ties to the site. Councilman Lancaster said that if this is the case then the driveway pavement will be from building to building since the distance between the two structures is only 26.8 feet and the entrance width is 24 feet. Mr. Hoke said the owner will be required to have certified engineering work for the entrance and parking area.

Motion: Councilman Vickers said that he would approve staff's recommendation for the Commercial Entrance for the Laurance Building as the owners have complied with Council's requests, motion seconded by Councilman Dofflemyer with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

TOWN ATTORNEY'S REPORT

Town Attorney, Jason Spitler, had no business items for this evening's meeting.

ANNOUNCEMENTS

Mr. Jason Pettit asked for clarification on the approval of his sign to include its illumination. Mayor Presgraves said that this was council's intent under the previous motion.

Councilman Vickers commended the Parks and Recreation department on the July 4th event.

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