

**LURAY TOWN COUNCIL**  
**November 13, 2018 - 7:00 p.m.**

**MEETING AGENDA**

- |  |                  |
|--|------------------|
| <b>I. CALL TO ORDER &amp; PLEDGE ALLEGIANCE TO THE U.S. FLAG</b> | Mayor Presgraves |
| <b>II. ROLL CALL</b>   | Danielle Babb    |
| <b>III. CONSENT AGENDA</b>                                       | Mayor Presgraves |
| <b>IV. GENERAL CITIZEN COMMENTS (other than agenda items)</b>    |                  |
| <b>V. PRESENTATIONS</b>  |                  |
| A) Page County Railroad Club – Display Request                   | Charles Roach    |
| <b>VI. PUBLIC HEARINGS</b>                                       |                  |
| A) Zoning Fines & Variances for Disabled                         | Steve Burke      |
| <b>VII. DEPARTMENTS, TOWN BOARDS AND COMMISSIONS</b>             |                  |
| A) Luray Downtown Initiative                                     | Meredith Dees    |
| B) West Main Street Bridge Project Update                        | Bryan Chrisman   |
| <b>VIII. ACTION &amp; DISCUSSION ITEMS</b>                       |                  |
| A) Revolving Loan Application                                    | Steve Burke      |
| B) Concession Fee Reimbursement                                  | Steve Burke      |
| <b>IX. OLD BUSINESS</b>  |                  |
| A) Code Amendment Special Event Permit & Assembly                | Steve Burke      |
| <b>X. TOWN ATTORNEY’S REPORT</b>                                 | Jason Botkins    |
| <b>XI. MAYOR’S ANNOUNCEMENTS</b>                                 | Mayor Presgraves |
| <b>XII. RECESS (As needed)</b>                                   | Mayor Presgraves |
| <b>XIII. CLOSED MEETING</b>                                      | Mayor Presgraves |
| A) Prospective Business or Industry                              |                  |
| <b>XIV. ADJOURN</b>  |                  |

*Version Date: November 9, 2018 10:00 a.m.*

Town of Luray  
PO Box 629  
45 East Main Street  
Luray, VA 22835  
[www.townofluray.com](http://www.townofluray.com)  
540.743.5511



### Mayor

**Barry Presgraves**  
150 Collins Avenue  
Luray, VA 22835  
Term: 2017-2020

### Council Members

**Leroy Lancaster**  
112 Reservoir Avenue  
Luray, VA 22835  
Term: 2017-2020

**Joey Sours**  
525 Atkins Drive  
Luray, VA 22835  
Term: 2017-2020

**Leah Pence**  
51 W Main Street  
Luray, VA 22835  
Term: 2017-2020

**Jerry Schiro**  
142 Leaksville Road  
Luray, VA 22835  
Term: 2014-2018

**Jerry Dofflemyer**  
295 Heritage Drive  
Luray, VA 22835  
Term: 2015-2018

**Ronald Vickers**  
6 Lewis Street  
Luray, VA 22835  
Term: 2014-2018

### Town Officials:

Town Manager – Steven Burke  
Assistant Town Manager- Bryan Chrisman  
Town Clerk/ Treasurer- Mary Broyles  
Deputy Town Clerk/ Treasurer- Danielle Babb  
Chief of Police- Carl S. “Bow” Cook  
Superintendent of Public Works- Lynn Mathews  
Superintendent of Parks & Recreation- Dakota Baker  
Superintendent of Wastewater- Tom Brown  
Superintendent of Water Treatment- Joseph Haddock

### Commissions & Committees:

Luray Planning Commission  
Luray-Page County Airport Commission  
Luray Tree and Beautification Committee  
Luray Board of Zoning Appeals  
Luray Downtown Initiative  
Luray-Page County Chamber of Commerce

**I move to approve the following Consent Agenda (All items must be read):**

**CONSENT AGENDA**

(A) Minutes of the Regular Council Meeting – 10-9-18

(B) Accounts Payable checks totaling- \$ 510,217.94

\*Financial Reports will be delayed until the completion of the audit.

Prepared By:

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Mary F. Broyles, Treasurer

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

**TUESDAY, OCTOBER 9, 2018**

The Luray Town Council met in regular session on Tuesday, October 9, 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  
Jason Botkins, Town Attorney  
Mary Broyles, Clerk-Treasurer  
Danielle Babb, Deputy Clerk-Treasurer  
Meredith Dees, Luray Downtown Initiative- Director  
Barbie Stombock, LDI Board Member  
Bill Huffman, LDI Board Member

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 Vickers motioned to approve the Consent Agenda as presented, motion seconded by Councilman Dofflemyer 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 – 9-10-18
- (B) Minutes of the Council Special Session – 9-25-18
- (C) Accounts Payable checks totaling- \$ 578,136.26

## **CITIZEN COMMENT**

There were no citizens signed up to speak during the comment period.

## **PUBLIC HEARINGS**

### **Draft Charter Amendment**

Town Attorney, Jason Botkins, presented the public hearing for the draft charter amendment. Council is requested to receive public comment for and to consider the draft amendment at this evening's meeting. There have been no substantive changes of late and the public hearing has been properly advertised. Mr. Botkins explained that if approved by the Town Council, the charter will then go before the General Assembly. Mr. Botkins said that the submission would be introduced by Senator Obenshain or Delegate Gilbert, whomever staff prefers. If the Resolution is approved during its regular session next year, the amended charter would go into effect on July 1, 2019. Mr. Botkins asked Council members if they have any questions this evening. Councilman Sours suggested the change in language from "light" to "electricity" in Section 2.2 (c) Financial Powers. Mr. Botkins agreed to make this change in language.

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

**Motion:** Councilman Dofflemyer moved that the Town Council adopt the Town Charter Amendments as presented and refer the Charter Amendment to the General Assembly for consideration. Motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

## **DEPARTMENTS, TOWN BOARDS AND COMMISSIONS**

### **Luray Downtown Initiative**

Ms. Dees noted a few housekeeping matters for the month and thanked members for their attendance at the *Construction and Cocktails* event. Councilman Dofflemyer complimented Ms. Dees on the event. Ms. Dees noted that while she does not have any numbers yet, the funds raised will benefit restarting the façade improvement program. Ms. Dees noted that the new downtown banners are up in the historic district. LDI has printed the new downtown brochures with map. Upcoming events for LDI include the Halloween activities which will be held entirely downtown. The event will include downtown trick-or-treating, and children's activities at the Chamber of Commerce. Also, Small Business Saturday will be on November 24<sup>th</sup> and will feature a welcome table hosted by LDI. Ms. Dees informed the Council that a Revolving Loan Fund application has been received and will be forthcoming from town staff. Lastly, the grand opening was held for the Compass Tea Room which features a variety of teas, coffee, and small retail items.

### **West Main Street Bridge Project Update**

Assistant Town Manager, Bryan Chrisman, was not present but provided a written update. Mr. Burke stated that the pile driving on the west end is complete, addressed dust issues, and said that the east side

has had some geotechnical investigations. The geotechnical firm is recommending micro-piles for the eastern abutment. Mr. Burke stated that the contractor is approximately two weeks behind schedule due to rain, sewer line issues, etc.

**ANNOUNCEMENTS/ ADJOURN**

With no further business, the meeting was adjourned at 7:13 pm.

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Barry Presgraves  
Mayor

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Danielle Babb  
Deputy Clerk-Treasurer

Draft

# Luray Depot Railway Museum

## Exhibit Guidelines



Town of Luray, Virginia

9 January 2015

## Introduction



The Town of Luray welcomes community participation in the Depot Railway Museum. The museum is the product of literally countless hours of work; over \$2 million; and over 13 years to complete, and is justifiably a source of community pride. The permanent exhibits now in place set the stage for a greater understanding of

the interaction between the community and the railroad and how the two have developed over the years. Much of the materials in place have come from generous donors and form the core of the museum's interpretive mission.



While the permanent exhibit forms the backbone of the museum, there is room for additional materials to be exhibited and interpreted. This is an opportunity for members of the community to share something with their neighbors and with the visiting public.

## Exhibit Guidelines

In order to maintain the content and visual continuity of the museum, some guidelines have been established for

organizations and individuals wishing to submit materials for potential exhibition. Clearly no set of guidelines can anticipate all possible opportunities and contingencies. These guidelines are a framework upon which we can build as the museum evolves over time.

## General - Submission

All materials (Town or non-Town-owned) and content proposed for exhibit or display must be submitted to the Town for approval prior to any installation. Materials that are displayed without prior approval are subject to removal. Repair or restoration of any damage to existing surfaces or finishes shall be the responsibility of the installer. The Town will make a reasonable effort to return the materials to their owner; however, it assumes no responsibility for the condition of unapproved materials that have been removed.

All submissions shall be made in writing and shall include description of materials, proposed location, and duration of proposed installation. In making a submission the inclusion of photos of the exhibit materials and sketches of the location are highly recommended and will expedite the review process. Request packets are to be submitted to the Assistant Town Manager and written approval authorization shall be issued by either the Town Manager or Assistant Town Manager.

The Town at its sole discretion may request the advice of appropriate experts or professionals prior to granting approval.

It is recommended that no actual exhibit materials be completed prior to submission and approval as approvals may contain comments or provisions that will need to be addressed. The Town shall have no responsibility for any costs incurred by potential exhibitors whether exhibit submission is approved or rejected.

Exhibit installation and subsequent removal shall be the responsibility of the submitting entity and shall be consistent with the installation guidelines discussed below. Installation shall be subject to review by the Town. Repair and/or restoration of any damage to the depot surfaces or finishes as a result of an installation shall be sole responsibility of the installer and shall be subject to inspection and acceptance by the Town.

The Town shall undertake routine maintenance to include cleaning of the museum and maintenance of the permanent exhibits. Any specific maintenance requirements for a proposed exhibit, those responsible for maintenance, and the interval of maintenance required shall be clearly indicated in the submission packet, and shall be subject to approval prior to acceptance.



## Exterior Display

Exterior exhibits such as baggage carts, railway signage, etc. shall be addressed on a case-by-case basis.

Submission for approval must include method of anchorage or securing item in place as well as any interpretive text and text mounting method. Submission should address any maintenance or weather protection measures and how these will be addressed.

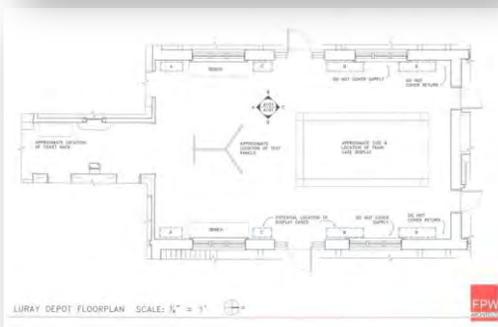
## Interior Display

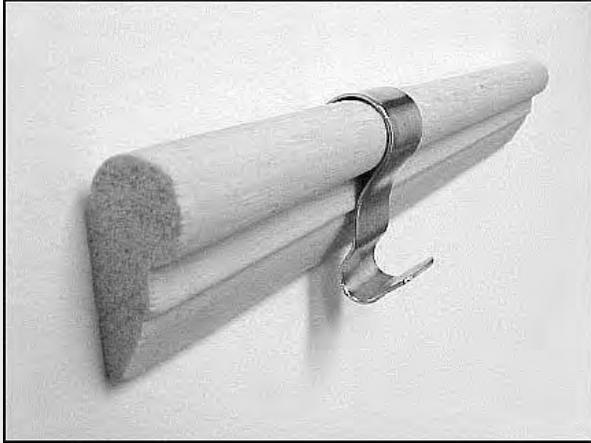
Floor areas for case placement and wall areas for hanging display have been identified on the attached drawings. These areas, while general in size and shape, may not be significantly changed or exceeded without the prior approval.

Materials and artifacts may only be displayed in approved display cases or framed and hung from the existing picture molding

Lighting for the wall areas shown is already in place.

Exhibit/display cases with object(s) requiring supplemental lighting will need to have integral lighting. Some artifacts, notably cloth and paper, are extremely sensitive to heat and/or UV light either from the sun or from light fixtures in the case. Power, internet, or telecommunications for cases may be available but it is recommended that the location and capacity be verified prior to selection of a case.



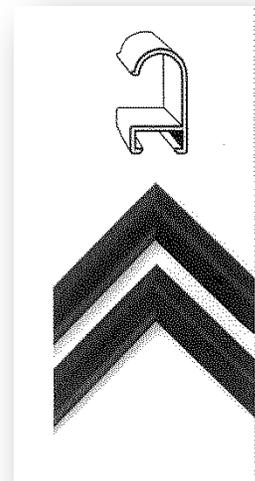


Wall mounted exhibits shall be mounted utilizing molding hooks and either stainless steel wire (low stretch – use for heavier items) or monofilament line (higher stretch - use for lighter items). The molding hooks may be obtained online or from a framing shop. Hooks for the depot installation shall be the simple flat steel hook and should have a brushed nickel finish.

No exhibits may be physically affixed to the interior walls without specific prior approval by the Town. Cases utilized for artifact exhibit must be “museum grade” capable of

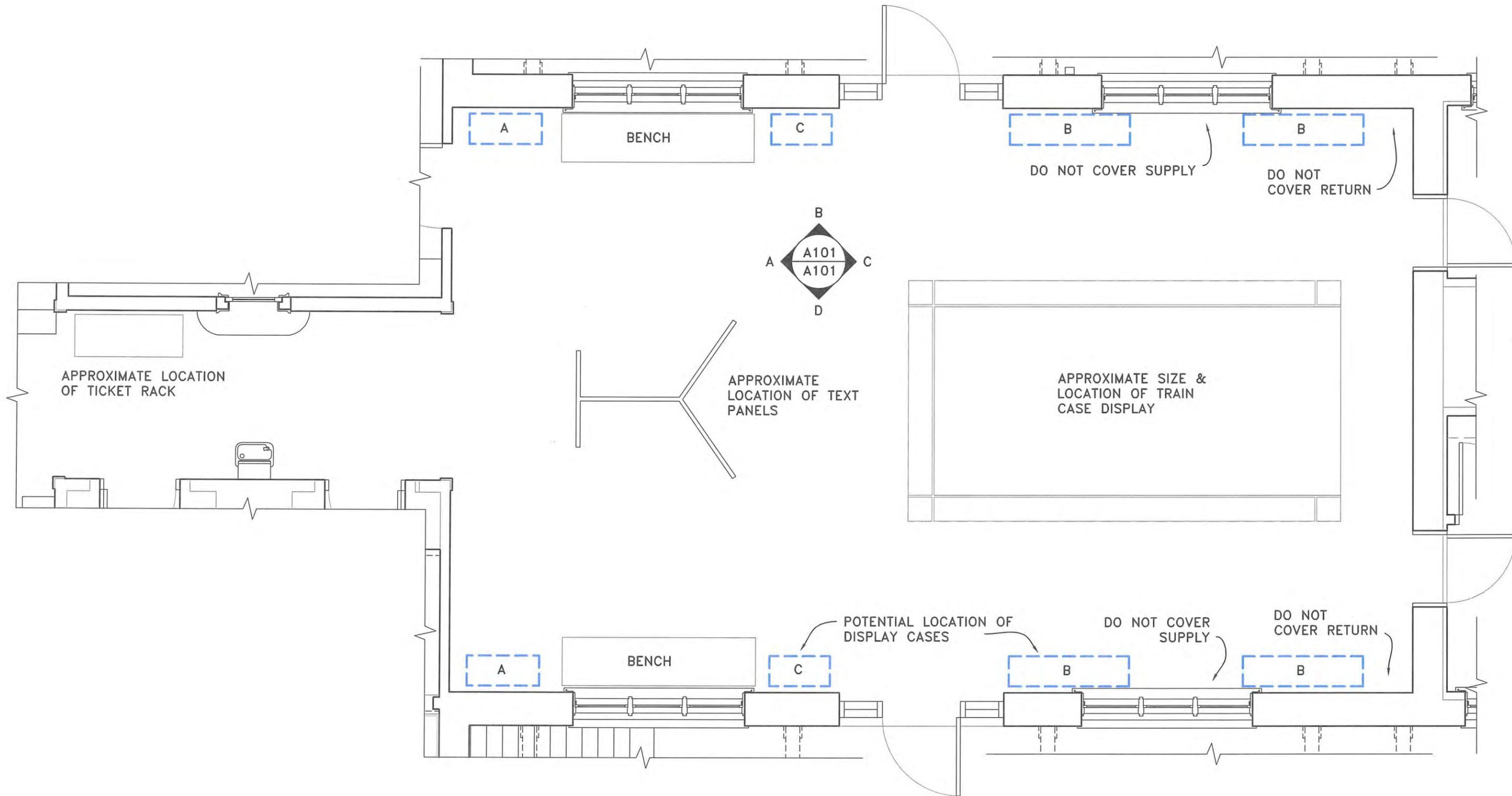
being locked and sealed and must have provisions for a desiccant material to be installed and changed to maintain the air quality within the case. Cases must be submitted for approval by the Town.

Materials submitted for wall display must be framed and the provision of non-glare, UV resistant glass is strongly recommended. No unframed or unprotected (glass cover) materials shall be approved for exhibit. Frame selection should not compete with the materials being exhibited. Ornate, gilded or decorative frames and not desired. The frames should coordinate with the overall visual character of the museum as well. Metal frames are readily available and easy to assemble. A frame with a simple radiused profiled in a gunmetal grey finish is recommended. Matting of materials should neutral in color again to let the exhibited material be the visual center.



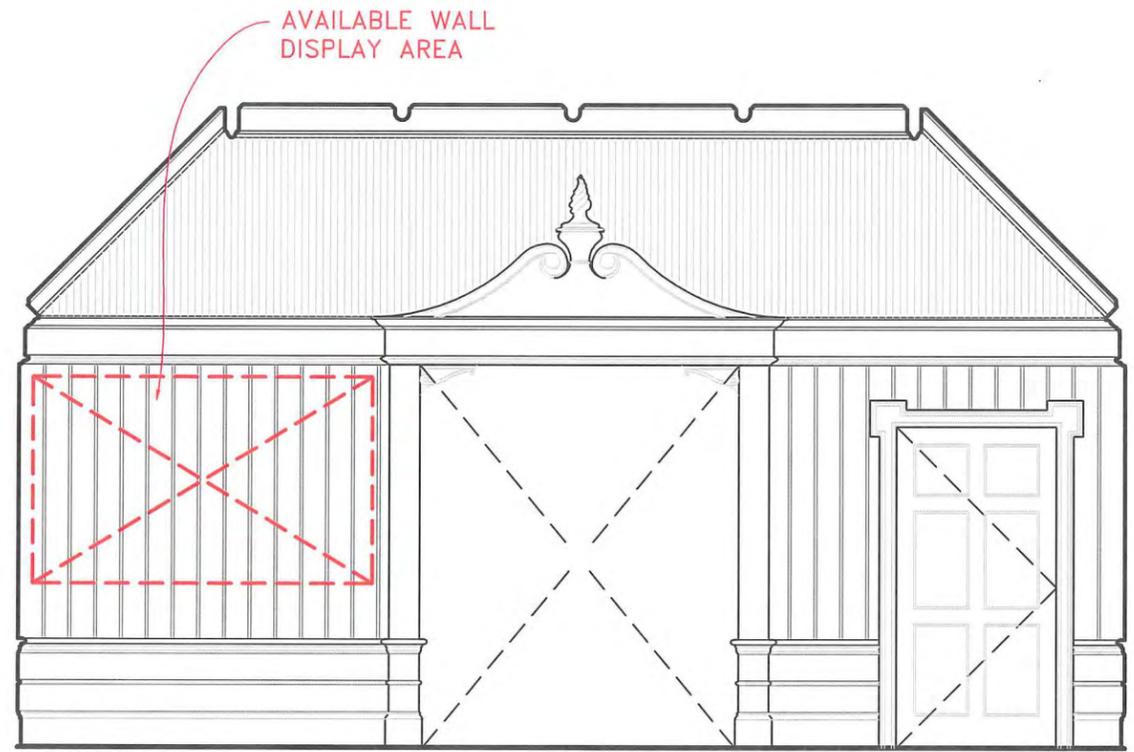
The preparation of artifacts and materials for exhibit requires resources and time to develop and install and can be generally thought of as either semi-permanent (in place typically for one or more years) or rotating (in place from 6 to 12 months). Please give thought to the potential duration of your proposed exhibit and so indicate in your submission request. Rotating exhibits will typically need to be planned and approved six months prior to installation.

Remember while some few objects can stand on their own and may be relatively self-explanatory, an exhibit is not just an object on the wall or in a case. The exhibit must be interpreted to explain to a viewer (1) what the artifact is, (2) how was it used, and (3) how does it tie in with the interpretive mission of the museum. Take a look at the objects displayed in the permanent exhibit and the interpretive text for an idea how this works. Interpretive text shall be submitted for approval either with the initial approval request or prior to installation.

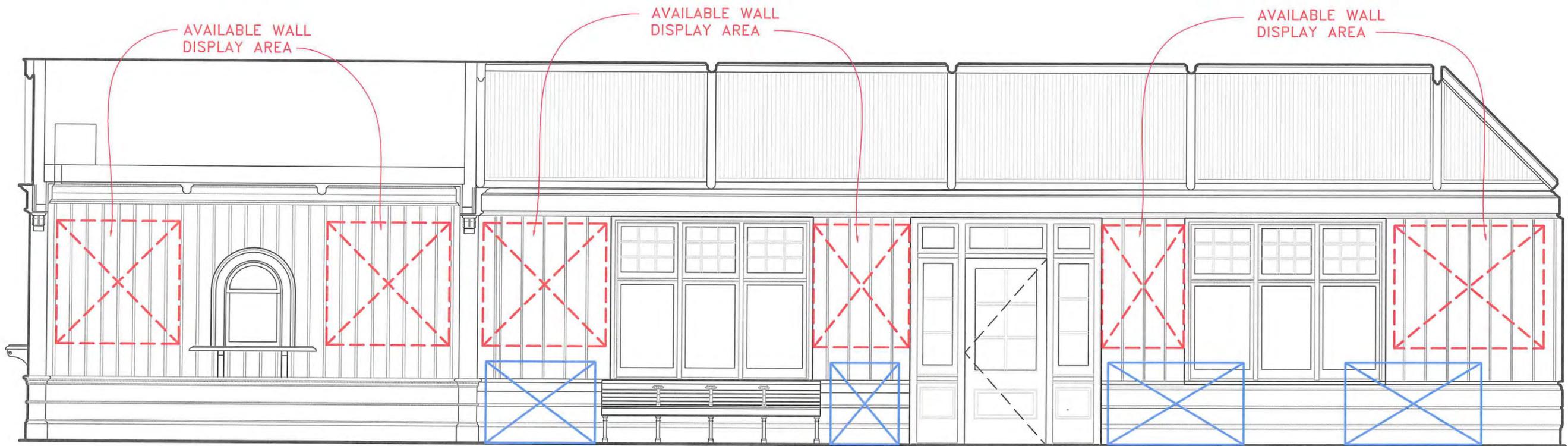


LURAY DEPOT FLOORPLAN SCALE: 1/4" = 1'





ELEVATION A



36" H. CASE

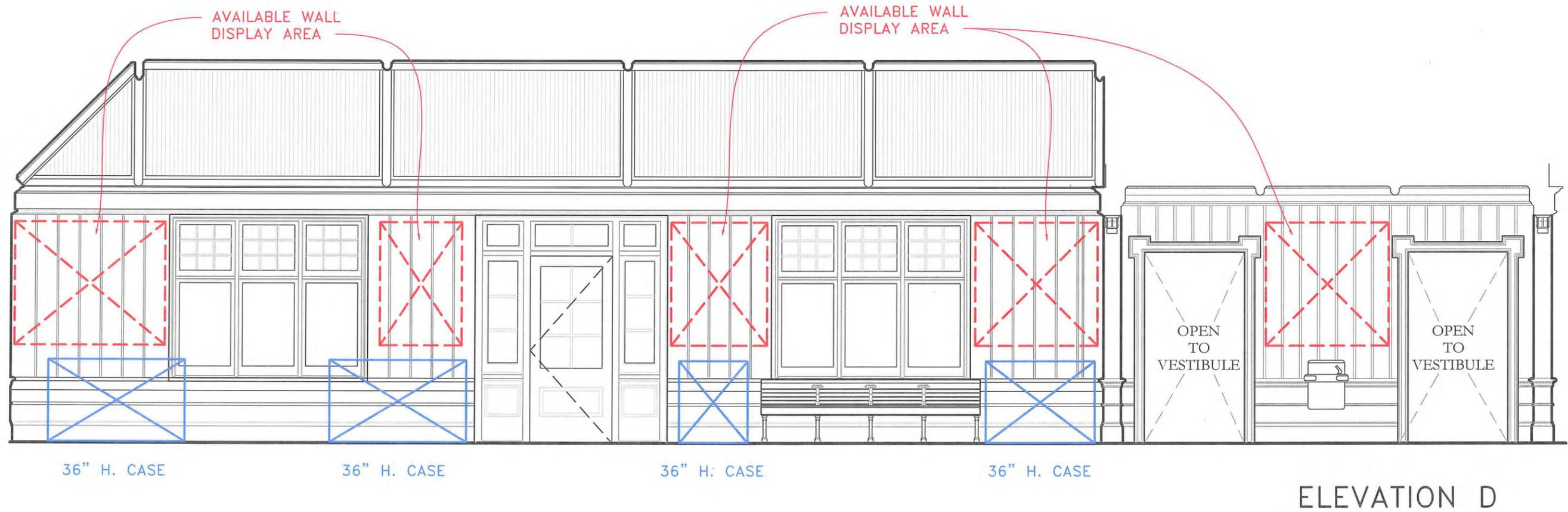
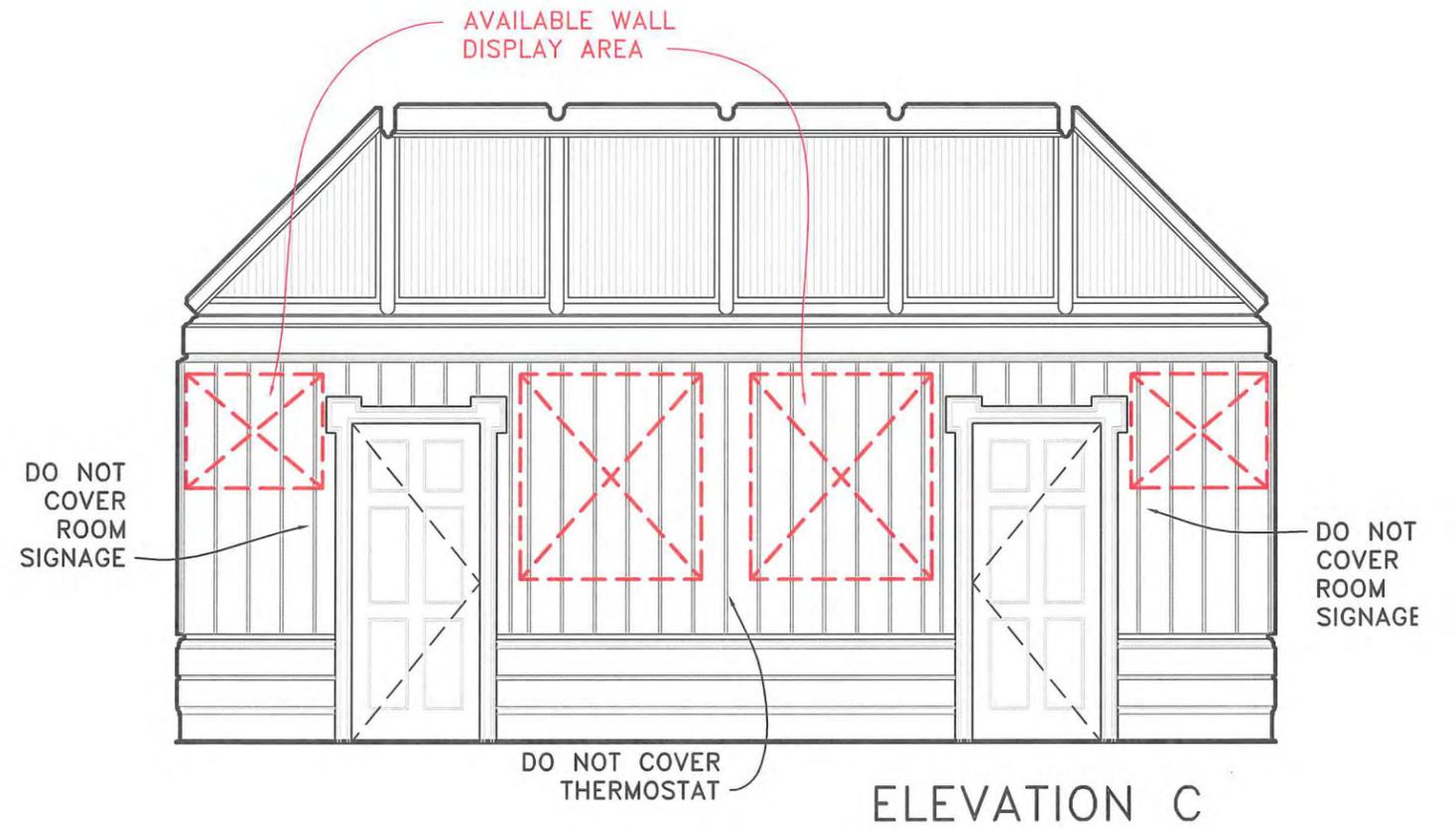
36" H. CASE

36" H. CASE

36" H. CASE

ELEVATION B

LURAY DEPOT ELEVATIONS SCALE:  $\frac{1}{4}" = 1'$



LURAY DEPOT ELEVATIONS SCALE:  $\frac{1}{4}'' = 1'$



**Town of Luray, Virginia**  
Town Council Agenda Statement

Item No: VI - A

Meeting Date: November 13, 2018

Agenda Item: PUBLIC HEARING  
Item VI-A – Draft Code Amendment – Zoning Fines & Variances for Disabled

Summary: Following the Town Attorney’s presentation of legislative updates adopted by the General Assembly at Council’s July 9<sup>th</sup> meeting, a draft of Code Amendment to Town Code Sections 705.2 and 706.2 of Article VII of Appendix A to provide for Variances for reasonable modifications for persons with disabilities and to provide additional fines for continued Zoning violations.

The Planning Commission voted 5-0 to recommend approval of the proposed Code Amendment at their October 13<sup>th</sup> meeting.

Council Review: July 24, 2018 Work Session

Fiscal Impact: N/A

Suggested Motion: I move that Town Council adopt of the proposed Code Amendments to Town Code Sections 705.2 and 706.2 of Article VII of Appendix A effective upon adoption.

**AN ORDINANCE TO AMEND SECTIONS 705.2 AND 706.2 OF ARTICLE VII OF  
APPENDIX A OF THE CODE OF THE TOWN OF LURAY, VIRGINIA**

**WHEREAS**, the Town of Luray, Virginia (the “Town”), wishes to amend certain provisions of the Town’s zoning ordinance to conform with recent changes to state law; and

**WHEREAS**, the Town Planning Commission and Town Council have each conducted a properly-advertised public hearing with respect to the proposed amendments; and

**WHEREAS**, the Town Council has received the recommendation of the Town Planning Commission with respect to the proposed amendments.

**NOW, THEREFORE**, be it ordained by the Council of the Town of Luray, Virginia, as follows:

1. Section 705.2 of Article VII of Appendix A of the Code of the Town of Luray, Virginia, shall be amended and restated as follows:

*705.2. Powers of the board of zoning appeals:*

The board of zoning appeals shall have the following powers and duties:

1. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of Code of Virginia, § 15.2-2280 et seq. or this ordinance. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The board shall consider the purpose and intent of any applicable ordinances, laws and regulations in making its decision.
2. To grant a variance upon appeal or original application in specific cases as defined in Code of Virginia, § 15.2-2201.

The board of zoning appeals shall grant a variance if the evidence shows:

- a. (i) A strict application of the ordinance provisions would unreasonably restrict the utilization of the property; or  
(ii) ~~or that~~ the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of this ordinance; or  
(iii) The variance would alleviate a hardship by granting a reasonable modification for a person with a disability; and
- b. The property interest for which the variance is requested was acquired in good faith and any hardship was not created by the applicant; and
- c. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity; and

- d. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as amendment to this ordinance; and
- e. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
- f. The relief or remedy sought by the variance applicant is not available through a special exception process authorized under Code of Virginia, § 15.2-2309(6).

No variance shall be authorized except after notice and hearing as required by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

In authorizing a variance the board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

- 3. To hear and decide appeals from the decision of the zoning administrator after notice and hearing as provided by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.
- 4. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by Code of Virginia, § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.
- 5. No provision of this section shall be construed as granting any board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.
- 6. Any variance granted to provide a reasonable modification to property or improvements thereon requested by, or on behalf of, a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 ( 42 U.S.C. § 12131 et seq.), as applicable. If a request for a reasonable modification is

made to the town and is appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable, such request shall be granted by the town unless a variance from the board of zoning appeals under this section is required in order for such request to be granted.

7. The board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or vice chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such findings shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with Code of Virginia, § 15.2-2312 shall be conducted at the continued meeting and no further advertisement is required.

(Ord. of 8-14-2017(1), § 6; Amended by Ord. of X-XX-2018, §1)

2. Section 706.2 of Article VII of Appendix A of the Code of the Town of Luray, Virginia, shall be repealed and restated as follows:

~~706.2. Any person, firm, or corporation, whether a principal, agent, employee or otherwise, violating, causing or permitting the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor punishable by a fine of up to \$1,000.00. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with this ordinance within a time period set by the court. Failure to remove or abate a zoning violation within the time period specified by the court shall constitute a separate misdemeanor punishable by a fine of up to \$1,000.00; and any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense punishable by a fine of up to \$1,500.00; and any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$2,000.00. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.~~

~~However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to \$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$7,500. A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.~~

(Ord. of X-XX-2018, § 2)

3. This Ordinance will take effect immediately.

Adopted: MONTH DAY, 2018

\_\_\_\_\_  
Mayor

**CERTIFICATE**

I certify that I am the Clerk of the Town of Luray, Virginia, and that the foregoing is a true copy of an Ordinance adopted by the Council of the Town of Luray, Virginia, on MONTH XX, 2018, upon the following vote:

NAME	AYE	NAY	ABSTAIN	ABSENT
Mayor Presgraves <sup>1</sup>				
Ronald "Ron" Vickers				
Jerry Dofflemyer				
Jerry Schiro				
Leroy Lancaster				
Joey Sours				
Leah Pence				

Date: MONTH XX, 2018

[SEAL]

ATTEST: \_\_\_\_\_  
Clerk, Town Council of  
Town of Luray, Virginia

<sup>1</sup> Votes only in the event of a tie.

**AN ORDINANCE TO AMEND SECTIONS 705.2 AND 706.2 OF ARTICLE VII OF  
APPENDIX A OF THE CODE OF THE TOWN OF LURAY, VIRGINIA**

**WHEREAS**, the Town of Luray, Virginia (the “Town”), wishes to amend certain provisions of the Town’s zoning ordinance to conform with recent changes to state law; and

**WHEREAS**, the Town Planning Commission and Town Council have each conducted a properly-advertised public hearing with respect to the proposed amendments; and

**WHEREAS**, the Town Council has received the recommendation of the Town Planning Commission with respect to the proposed amendments.

**NOW, THEREFORE**, be it ordained by the Council of the Town of Luray, Virginia, as follows:

1. Section 705.2 of Article VII of Appendix A of the Code of the Town of Luray, Virginia, shall be amended and restated as follows:

*705.2. Powers of the board of zoning appeals:*

The board of zoning appeals shall have the following powers and duties:

1. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of Code of Virginia, § 15.2-2280 et seq. or this ordinance. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The board shall consider the purpose and intent of any applicable ordinances, laws and regulations in making its decision.
2. To grant a variance upon appeal or original application in specific cases as defined in Code of Virginia, § 15.2-2201. The board of zoning appeals shall grant a variance if the evidence shows:
  - a. (i) A strict application of the ordinance provisions would unreasonably restrict the utilization of the property; or
  - (ii) The granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of this ordinance; or
  - (iii) The variance would alleviate a hardship by granting a reasonable modification for a person with a disability; and
  - b. The property interest for which the variance is requested was acquired in good faith and any hardship was not created by the applicant; and
  - c. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity; and

- d. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as amendment to this ordinance; and
- e. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
- f. The relief or remedy sought by the variance applicant is not available through a special exception process authorized under Code of Virginia, § 15.2-2309(6).

No variance shall be authorized except after notice and hearing as required by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

In authorizing a variance the board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

- 3. To hear and decide appeals from the decision of the zoning administrator after notice and hearing as provided by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.
- 4. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by Code of Virginia, § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.
- 5. No provision of this section shall be construed as granting any board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.
- 6. Any variance granted to provide a reasonable modification to property or improvements thereon requested by, or on behalf of, a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable. If a request for a reasonable modification is

made to the town and is appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable, such request shall be granted by the town unless a variance from the board of zoning appeals under this section is required in order for such request to be granted.

7. The board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or vice chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with Code of Virginia, § 15.2-2312 shall be conducted at the continued meeting and no further advertisement is required.

(Ord. of 8-14-2017(1), § 6; Amended by Ord. of X-XX-2018, §1)

2. Section 706.2 of Article VII of Appendix A of the Code of the Town of Luray, Virginia, shall be repealed and restated as follows:

706.2. Any violation of this ordinance shall be a misdemeanor punishable by a fine of up to \$1,000.00. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with this ordinance within a time period set by the court. Failure to remove or abate a zoning violation within the time period specified by the court shall constitute a separate misdemeanor punishable by a fine of up to \$1,000.00; and any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense punishable by a fine of up to \$1,500.00; and any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$2,000.00.

(Ord. of X-XX-2018, § 2)

3. This Ordinance will take effect immediately.

Adopted: MONTH DAY, 2018

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Mayor

**CERTIFICATE**

I certify that I am the Clerk of the Town of Luray, Virginia, and that the foregoing is a true copy of an Ordinance adopted by the Council of the Town of Luray, Virginia, on **MONTH XX**, 2018, upon the following vote:

NAME	AYE	NAY	ABSTAIN	ABSENT
Mayor Presgraves <sup>1</sup>				
Ronald "Ron" Vickers				
Jerry Dofflemyer				
Jerry Schiro				
Leroy Lancaster				
Joey Sours				
Leah Pence				

Date: **MONTH XX**, 2018

[SEAL]

ATTEST: \_\_\_\_\_  
Clerk, Town Council of  
Town of Luray, Virginia

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<sup>1</sup> Votes only in the event of a tie.

# **Town of Luray**

**45 E. Main Street  
Luray, Virginia 22835**

## **NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS TO SECTIONS 705 AND 706 OF ARTICLE VII OF ZONING ORDINANCE**

NOTICE is hereby given pursuant to §15.2-2204 of the Code of Virginia, as amended, that the Luray Town Council shall hold a public hearing on Tuesday, November 13, 2018 at 7:00 p.m. in the Luray Town Council Chambers located at 45 East Main Street in the Town of Luray, Virginia.

The purpose of the hearing is to receive public comments on proposed amendments to Section 705 and Section 706 of Article VII of the Town's zoning ordinance codified as Appendix A.

The proposed amendments are summarized as follows:

1. Section 705.2 of Article VII of Appendix A of the Code of the Town of Luray would be amended to provide for variances by the Board of Zoning Appeals for reasonable modifications for persons with disabilities
2. Section 706.2 of Article VII of Appendix A of the Code of the Town of Luray would be amended to provide additional fines for continued Zoning violations.

All interested persons may appear and present their views at the public hearing. Further information concerning the proposed amendments, including copies of the textual amendments, are available at the Town of Luray Offices, 45 East Main Street, Luray, Virginia, between the hours of 8 a.m. and 5 p.m. from Monday through Friday.



*"Civil, Structural, Mechanical & Plumbing Engineering and Surveying"*

P.O. Box 387  
312 West Main Street  
Luray, Virginia 22835  
Phone (540) 743-9227  
Fax (540) 743-6118  
contact@raceyengineering.com  
[www.raceyengineering.com](http://www.raceyengineering.com)

Virginia Reg. 0413000251 West Virginia Reg. C05328  
SWaM #666281 Micro Business - HUBZone #28486

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From our October 18, 2018 Progress Meeting with the Design-Build Team, the following progress is occurring or planned:

**DESIGN AND PERMITTING:**

- Electrical Submittal: First Submittal comments were re-issued by Racey in a clearer format. Orders and Thrasher will be revising and resubmitting
- Roadway Plans have not yet been re-submitted but are expected mid-November at the latest. There are handicap ramp concerns that the project team are working through. Solutions are very similar to what the Town is completing all through the town.
- Due to the condition of rock found on the west abutment (Abutment A), Orders is requesting to switch the design from using pre-drilled H-Piles to micropiles. The design switch will result in a much shorter installation window, which is needed since we are behind schedule. This submittal is in review and undergone several intermediate iterations with the VDOT Review Staff in Staunton Bridge.

**CONSTRUCTION:**

- The western pier has been removed
- Driller has completed all pile work on Abutment A (Western). Composition of rock made drilling longer than expected.
- Orders is nearly complete with the Sanitary Sewer relocation on the eastern side of the project. This is an extensive construction endeavor due to depth and existing obstacles, but is almost complete.
- Drilling of the micropiles is scheduled for November 4<sup>th</sup>, and once they are installed, forming of the abutments shall commence.

**SCHEDULING:**

- The weather (rain, and preparation for Hurricane Florence) along with the unexpected composition of rock for the abutment foundations have shifted the construction schedule well into the winter months. While Orders will diligently work through the winter to the greatest extent possible, it is apparent that the bridge will not be open to traffic by the end of the year 2018. Schedule updates are being coordinated and an updated schedule will be forthcoming.
- The next Design-Build Team Progress Meeting is not yet scheduled for November 2018.

Sincerely,

Tyler S. Austin, PE, LS  
Project Manager

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Patrick B. Racey, PE, Senior Manager and Principal  
Tyler S. Austin, PE, LS, Operations Manager  
Gary L. Shirley, PE, Associate & Engineering Manager  
Joshua P. Turner, PE, Engineering Development Manager  
Kevin S. Blankenship, LS Resident Surveyor  
James C. Whiteside, III, Field Services Coordinator  
*Celebrating our 25<sup>th</sup> Year of Service*



**Town of Luray, Virginia**  
Town Council Agenda Statement

Item No: VIII - A

Meeting Date: November 13, 2018

Agenda Item: COUNCIL CONSIDERATION  
Item VIII-A – Revolving Loan Program Application

Summary: The Town has received an application to the Revolving Loan Fund that was established in 2013 as the Community Development Loan from Ryan Hodson and John Dedman requesting \$50,000.00 to renovate 20 West Main Street. The renovations will include 2,600 square feet of office to include a ground floor co-working space, a first floor finished with three offices, and a second floor 1,300 square foot, three (3) bedroom apartment. The property is owned by the applicants and is offered as collateral. The request has been reviewed by the LDI Board.

The requested loan amount is more than historically considered by the Town. Review of the documentation establishing the Community Development Load did not establish a maximum amount to consider, nor did it restrict the Town Council to approve the amount requested.

Council Review: N/A

Fiscal Impact: N/A

Suggested Motion: I move that Town Council approve a loan request of fifty thousand dollars (\$50,000.00) to Ryan Hodson and John Dedman for improvements to 20 West Main Street, and further move to direct staff to develop all necessary loan documentation and proceed to closing.

Alternative Motion: I move that Town Council table discussion of the Revolving Loan Fund application until the November 27<sup>th</sup> Work Session.

# LOAN POOL COMMITTEE- ADVISORY MEMBERS BUSINESS PLAN & FINANCIAL CHECK LIST

## BUSINESS PLAN & FINANCIAL PROJECTIONS REVIEWED

Business Plan and Financial Projections/Considerations (2 year financial projections)

Business tax return for past two years (If business is established)

Comments about Business Plan & Financial Projections:

Business Plan Accepted:  Yes  No

Financial Projections Accepted:  Yes  No

## FINANCIAL DOCUMENTS REVIEWED

Last two years personal tax return or one tax return and extension letter

Business tax return for past two years (If business is established)

Credit Report Authorization

Proof of Collateral (Personal Property and/or Equipment Preferred. Provide Proof of Value of Collateral- such as real estate value or personal property value-vehicle value from Kelley Blue Book or N.A.D.A.)

UCC Financing Statement DRAFT Completed (Final filed with the Page County Circuit Court pending loan approval, applicant will be responsible for reimbursing the town for the filing fee (currently \$20.00))

Comments about Business Plan & Financial Projections:

Collateral Sufficient to Cover Loan:  Yes  No

Personal Income Sufficient to Cover Loan:  Yes  No

**TOWN OF LURAY - REVOLVING LOAN FUND**  
**APPLICATION FOR FUNDS: APPLICATION INFORMATION**

**SECTION I: GENERAL INFORMATION**

Name/Partners: Ryan Lee Hodson, John Raymond Dedman Jr.

Business Name: \_\_\_\_\_

Home Phone Number: 540-860-0673 Business Phone Number: same

Cell Phone Number: same Email: LurayModern@gmail.com

Home Address: 631 Woodland Dr Luray, VA 22835

Business Address: 20 W Main St Luray, VA 22835

**SECTION II: LOAN INFORMATION**

Amount Requested: \$50,000 Number of Full Time Employee Positions Created/Retained: \_\_\_\_\_

Loan Purpose (provide description, include additional pages if more space is needed): \_\_\_\_\_

To be used for renovations of the facade storefront, to add a 3 story deck in back and to repair erosion damage on the back and side foundation from Hawksbill Creek. See additional pages for all planned renovations.

**SECTION III: FINANCIAL SUMMARY**

**ASSETS**

Cash on Hand in Banks (Schedule A) \$ \_\_\_\_\_

Savings Accounts (Schedule A) \$ \_\_\_\_\_

Stocks and Bonds (Schedule C) \$ \_\_\_\_\_

Real Estate Owned (Schedule D) \$ \_\_\_\_\_

Automobile: Blue Book (Schedule G) \$ \_\_\_\_\_

Personal Property \$ \_\_\_\_\_

Accounts & Notes Receivable \$ \_\_\_\_\_

Mortgage & Land Contracts Rec. (Schedule E) \$ \_\_\_\_\_

Cash Value of Life Insurance \$ \_\_\_\_\_

Retirement Accts. (401k, IRA, etc.) \$ \_\_\_\_\_

Other Assets \$ \_\_\_\_\_

Itemize: \_\_\_\_\_

**TOTAL ASSETS \$ \_\_\_\_\_**

**LIABILITIES**

Accounts Payable and Bills Due \$ \_\_\_\_\_

Loans Payable to Banks/Other (Schedule B) \$ \_\_\_\_\_

Real Estate Mortgage Payable (Schedule D) \$ \_\_\_\_\_

Land Contracts Payable (Schedule E) \$ \_\_\_\_\_

Life Insurance Loans (Schedule F) \$ \_\_\_\_\_

Other Liabilities and Debts \$ \_\_\_\_\_

Itemize: \_\_\_\_\_

**TOTAL LIABILITIES \$ \_\_\_\_\_**

**NET WORTH (TOTAL ASSETS - TOTAL LIABILITIES)**

**Net Worth \$ \_\_\_\_\_**

**Total Liabilities & Net Worth \$ \_\_\_\_\_**

## Overview

**Luray needs modern office space** for professionals, entrepreneurs and telecommuters that is affordable and flexible. Our town would greatly benefit from more people working daily downtown so we have the necessary traffic to sustain local restaurants, cafes and other small businesses.

**We are fully renovating 20 W Main St** to provide a space for different kinds of people and businesses to foster cross pollination and collaboration. Our building is in the center of downtown Luray and will help anchor a professional work force in the heart of our community. We will provide reliable high speed internet, a meeting space and a deck overlooking the Hawksbill creek to eat lunch, work and hold events.

## Solution

**We will provide 2600 sq ft of completely renovated office space.**

- **The ground floor** will be a collaborative co-working environment called **Workspace Luray**. Instead of paying rent, people will become members, meaning they will not have to sign long leases, place large deposits, or connect utilities. An open office floorplan will help foster a social work environment to help encourage collaboration and networking connections. Members will have access to all amenities including printers, fax, phone, internet and coffee.
- **The lower floor** will be fully finished to provide three private offices and a private bathroom. The large office will be 336 sq ft. The two smaller offices will be 200 sq ft per office. Each office will have their own electronically locked door, brand new HVAC system, views of the Hawksbill creek and a private entrance separated from the top floor co-working space. The three offices will share a new bathroom. Perfect for anyone needing to see clients and keep files and computers secure full time. Private office renters will have access to all amenities as well including printers, fax, phone, internet and coffee.

**The upper floor 1300 sq ft, 3 bedroom apartment** will be a **short term vacation rental**, providing more quality, downtown accommodations to help sustain local shops and restaurants year round. Based on our success renovating and designing two other short term rentals, we're confident that visitors will love the downtown location with direct access to The Hawksbill Greenway as their backyard.

## Target Market

This collaborative co-working space will be an affordable option for several groups of people-

- **Telecommuters** (government and private employees) who currently work from home but crave a separation between their home and work lives and need more reliable, fast internet speeds.

- **Entrepreneurs** and **Small Hub Zone Businesses** who do not need to rent an entire office. They can work in an open, comfortable space, with fast internet and like minded professionals. We especially hope to attract local, young entrepreneurs who have good ideas and are looking for support and creative collaboration.
- **Visitors to the Shenandoah Valley** can pay daily rates to work in a professional environment. This option is attractive to people with second homes that come to enjoy the area, but still need to get work done. If they know they can work from Luray, they may even extend their stays longer instead of rushing back to the city to work.

**Our initial goal** is to have ten members sign up for the co-working workspace in the first 6 months, with additional, flexible day rate visitors. Eventually, we'd like to see 15 solid members using the space daily.

## Competition

**Luray has very few modern, professional office spaces available for rent.** The options that are currently available have not been updated in many years and are not suitable for most working professionals. Other than working from a coffee shop or the library for free for short periods, there is no option for entrepreneurs or telecommuters to rent space affordably downtown.

## Marketing

We will place ads in The Page News & Courier and online but our most powerful resource will be word of mouth in the Page County professional community. Shenandoah Valley Small Business Development Center (SV SBDC) and Luray Downtown Initiative (LDI) have already been extremely helpful suggesting individuals, small businesses and groups who would benefit from this type of workspace. We would also be hosting community events and opening up the space for other small businesses to use for private meetings and presentations. We will also create our own website which will be posted on the front door of the building to help inform anyone about our services.

## Team and Key Roles

**Jay Dedman** and **Ryan Hodson** have lived in Page County full time since 2008. Jay is the longest serving board member on the current **Page County Economic Development Authority (EDA)**. Ryan is the newest board member on the **Page County Broadband Authority (PCBA)**.

We have successfully renovated three homes in Luray and currently run two vacation rentals (**LurayModern.com**) which have an annual average occupancy of 75% each year. We also work remotely as online video producers for clients in San Francisco and New York. In 2006 we helped establish the first full-time co-working space in the world called **Hat Factory in San Francisco**.

We employ a team of local cleaners that will help maintain the spaces and apartment.

### **Startup & Renovation Costs:**

Startup and renovation costs will be covered by our already established businesses- two vacation rentals and our video production company. As 20 W Main St becomes established, all operating expenses and debts will be covered by rents received and should be viable within the first six months.

The funding provided by the Revolving Loan will enable us to complete the renovation of the building by late Spring 2019 when the bridge is officially re-opened. This timing will be an excellent way to promote and showcase these office spaces, right next to the new bridge. It would be optimal to do all our renovations while Main Street is in construction mode.

### **Mortgage & Loans:**

We paid \$150,000 for the building using a loan which leveraged another rental property, so we own it outright. If we receive a loan from the town, that would be the only debt on the building. We're willing to use the building, 20 W Main St, as collateral for the town loan.

### **Rental Income:**

Based on conversations with local real estate agent Judy Bell, it's difficult to determine exact office rents since there is so little modern office inventory in Luray. She told us, what we've heard for years, that there is a real need for office space. We are being conservative with our projections for new office space that overlooks the Hawksbill Creek, in the most desirable part of downtown, with all utilities included which consists of electric, internet, and town water/sewage.

**The bottom floor** will be broken up into 3 private offices, one larger office renting for \$500/month, two smaller offices renting for \$400/month for a total of \$1300/month.

**The ground floor** will be a co-working membership model called **Workspace Luray**. Memberships will start at \$150/month with a sliding scale for young entrepreneurs. We hope to have at least 10 members starting in the first 6 months to one year. Our goal for year two is to have 15 monthly, sustaining members. We will also supplement membership income with rentals for private events and meetings.

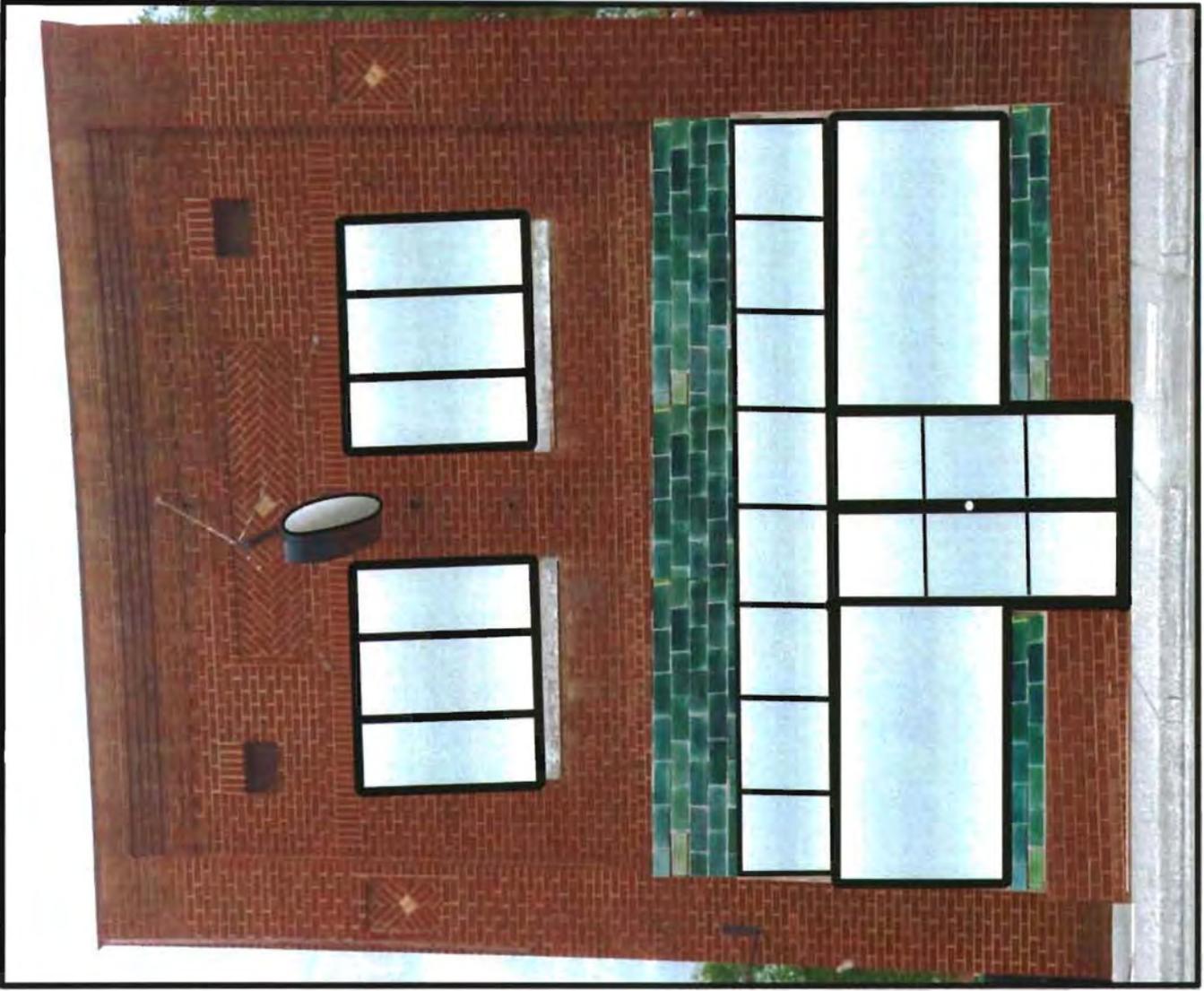
**The top floor, 3 bedroom apartment** will be a short term vacation rental. We have modeled and averaged the first year income numbers based on the first starting years of our current two vacation rentals. Our first rental started in March 2015, our second rental has been active since September 2017.

Income from the 3-bedroom vacation rental is much more predictable based on our experience running two other local rental properties. We will be able to cover the expenses of the entire building with just the projected vacation rental income.

### **Operating Expenses:**

Expenses for all floors include office supplies like coffee, printer toner, printer paper etc. Also supplies and amenities for the vacation rental like coffee, spices, paper towels, first aid kit supplies etc. Utilities include town water and sewer, SVEC Coop electricity and internet service. Insurance is provided by Erie via Pam Hensley at LD&B Insurance & Financial Services. Real Estate taxes include Town of Luray and Page County rates.

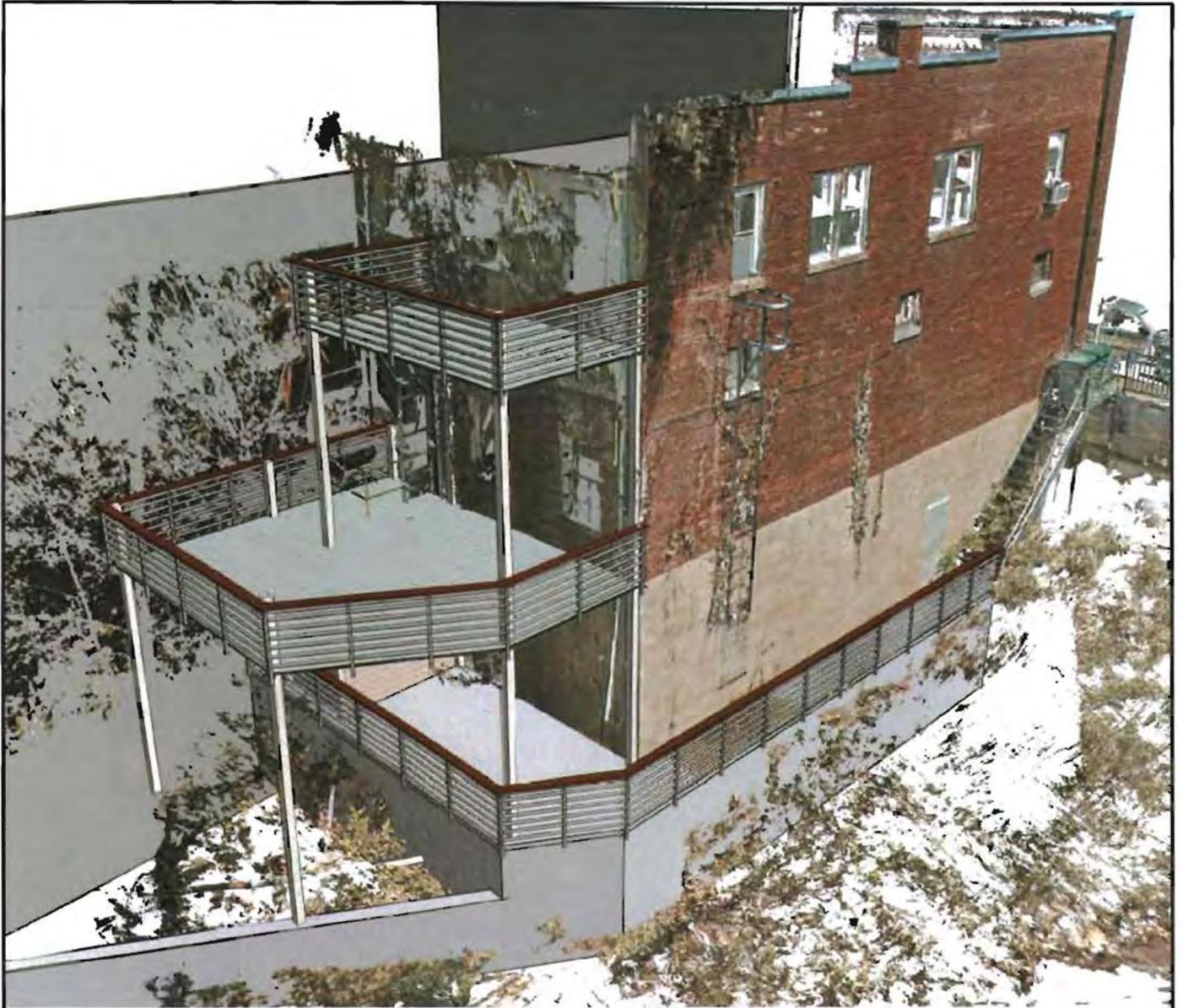
Even if the building did not make money the first year, our existing income from our established businesses can cover the building's expenses which include Town and County taxes, electric, water/sewage, insurance, and loan repayment to Town of Luray.



**Planned Renovation**



**Current Storefront**



7/19/2018 5:38:12 PM

**SDR** STRUCTURAL  
DESIGN  
RESOURCE

5421 Seaside Rd.  
Deliclsberg, VA 22947  
(540) 335-4110 MOBILE  
phil@structuraldesignresource.com

JAY DEDMAN  
FOUNDATION REPAIR  
20 WEST MAIN  
LURAY, VA 22835

CONCEPT RENDER  
**SK-R-01**



7/19/2018 5:37:13 PM

**SDR** STRUCTURAL  
DESIGN  
RESOURCE

5421 Seneff Rd.  
Quicksburg, VA 22847  
(540) 335-4110 MOBILE  
phil@structuraldesignresource.com

JAY DEEDMAN  
FOUNDATION REPAIR  
20 WEST MAIN  
LURAY, VA 22835

CONCEPT RENDER  
**SK-R-02**



18 Campbell Street – Luray, VA 22835 | 540.743.7700  
[downtownluray@gmail.com](mailto:downtownluray@gmail.com) | [www.downtownluray.com](http://www.downtownluray.com)

October 12, 2018

Dear Mayor and Town Council,

Please let this letter serve as confirmation that we have received the application for the Revolving Loan Fund submitted for "Workspace Luray". It has been reviewed by the Executive Committee of the Board of Directors and at this time would like to recommend this application for approval at the financial level the Council feels is appropriate. We are thrilled to see the level of investment the property owners are committed to on Main Street. We believe there is a true need for this type of work space in downtown and have seen this model be successful in other communities.

Please feel free to reach out with any additional questions and let us know if we can be of any further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Meredith Dees", with a large, elegant flourish at the end.

Meredith Dees  
Program Director

A handwritten signature in dark ink, appearing to read "Bill Huffman", with a long, sweeping flourish extending to the right.

Bill Huffman  
President



**Town of Luray, Virginia**  
Town Council Agenda Statement

Item No: VIII - B

Meeting Date: November 13, 2018

- Agenda Item: COUNCIL CONSIDERATION  
Item VIII-B – Concession Fee Reimbursement
- Summary: The Town has received a request from Sharon and Charlie Peer who operated that concession facilities at Dean Park this year through the concession franchise agreement. The adopted franchise fee was \$3,800.00. The revenue from concession was not as expected due to the significant rain and reduced number of sporting events this summer. The Peers are requesting that the Town consider reimbursing them half of the concession franchise fee due to the reduced revenue opportunities.
- Council Review: N/A
- Fiscal Impact: N/A
- Suggested Motion: I move that Town Council approve a reimbursement of \$1,900.00 of the concession franchise fee to Sharon and Charlie Peer due to the significant rainfall experienced this summer.

Town of Luray

Sharon and I ran the concession stand at Ralf Dean park for the 2018 season when Sharon returned the keys to Dakota Sharon told Dakota that we went in the hole a lot due to little league not buying much until the last few weeks of the season Dakota asked if we would like to return next year Sharon informed Dakota that we would like to return for the 2019 season but are hesitant due to the fact that we did not make a profit due to so many games being canceled due to rain and not being rescheduled and we learned after we opened the concession stand at fields 1,2 and 3 that that stand had not been open for the past few seasons and a lot of people brought food and drinks on Saturdays not knowing we would be open and on Sundays sales were better, we also talked to Pat Obrien in August at that time we told Pat about our concerns about so many games being rained out Pat said he would talk to the town about getting the last two payments for the 2018 season waived that gave us hope that we could at least finish the season without losing more money but we never received a response from Pat

As stated earlier we would be interested in running the concession stands for the 2019 season with hope of having less rain, if the town were to refund payments from the 2018 season having them credited to the 2019 season would be acceptable

Any help in this matter would be greatly appreciated

Thanks

Charlie Peer



**Town of Luray, Virginia**  
Council Agenda Statement

Item No: IX - A

Meeting Date: November 13, 2018

Agenda Item: COUNCIL DISCUSSION  
Item IX-A – Assemblies & Special Event Permits

Summary: Council is requested to discuss the draft Assemblies/Special Event Permit and new Town Code Section 74-22 to establish new regulations and process for the use of Town Right-of-Way, parks, or public lands for events, assemblies, parades, or other special events. This process would replace our current Facilities Use Application. The Code and permit application would specify the regulations by which requests for use of Town property and Right-of-Way can be requested, as well as specify acceptable actions and activities.

If Council is comfortable with the final version, staff will advertise for a public hearing at the December Council Meeting.

Council Review: Discussion at June 27, 2018 Work Session; July 9, 2018 Council Meeting; July 24, 2018 Work Session; August 13, 2018 Council Meeting

Fiscal Impact: N/A

Suggested Motion: N/A

**CHAPTER 74**  
**ARTICLE V – PUBLIC ASSEMBLIES**

**Sec. 74-120. - Definitions.**

“*Event*” means a Parade or Public Assembly.

“*Parade*” means any march, demonstration, procession, or motorcade upon Public Space that interferes with or presents a Significant Probability of interfering with the normal flow or regulation of pedestrian or vehicular traffic upon Public Space.

“*Public Assembly*” means any meeting, demonstration, speechmaking, vigil, picket line, rally, carnival, festival, concert, race, presentation, pageant, sporting event, or other gathering for a common purpose as a result of prior planning that interferes with or presents a Significant Probability of interfering with (a) the normal flow or regulation of pedestrian or vehicular traffic upon Public Space, or (b) the normal use of any Public Space.

“*Public Space*” means any street, sidewalk, or any other property of the Town which is open to the public.

“*Significant Probability*” means a determination that something is more likely than not to occur based upon facts and circumstances revealed by a reasonable inquiry.

“*Sponsor*” means the individual(s) who sign, or whose authorized representative(s) sign, an application for an Event permit and who will be responsible under the permit, if issued, for ensuring that the Event will be conducted in accordance with these regulations.

“*Spontaneous Event*” means an unplanned and unannounced coming together of people or vehicles in an Event which was not contemplated beforehand by any participant therein.

**Sec. 74-121. - Permit Requirement.**

Except as provided in Sec. 74-122, it shall be unlawful for any person to conduct or participate in an Event on Public Space unless a written permit is first issued in accordance with this chapter.

**Sec. 74-122. - Exceptions.**

The provisions of this chapter shall not apply to:

- (a) Events involving less than twenty-five (25) persons provided the Event does not interfere with or present a Significant Probability of interfering with:
  - (1) the normal flow or regulation of pedestrian or vehicular traffic upon Public Space;
  - (2) the normal use of any Public Space; and
  - (3) public safety.
- (b) Events that do not use Public Space or present a Significant Probability of interfering with the normal use of Public Space.
- (c) Spontaneous Events.
- (d) Recreational activities, including jogging, walking, sporting events, and the reservation of a shelter, field, or other facility at a Luray park, which do not require closing public streets or other public rights-of-way and do not interfere or have a tendency to interfere with free passage on or the use of any Public Space.

- (e) Door-to-door advocacy, including canvassing, pamphleteering, religious or political proselytizing, and the distribution of written materials, and similar activities which do not interfere with or have a tendency to interfere with free passage on or the use of Public Space.
- (f) Funeral processions.
- (g) Students going to and from school classes or participating in school-sponsored activities.
- (h) Governmental entities acting within the scope of their functions.
- (i) Events organized and sponsored, in whole or in part, by the Town of Luray, County of Page, Page County Public Schools, or the Commonwealth of Virginia.
- (j) Construction activities authorized by the Town of Luray, County of Page, Page County Public Schools, or the Commonwealth of Virginia.

**Sec. 74-123. - Application for Permit.**

- (a) Time for filing. The Sponsor for any Event for which a permit is required shall submit an application to the Chief of Police (the “Chief”). If the estimated number of persons who will participate in an Event is twenty-five (25) or less, the application shall be submitted not less than five (5) business days prior to the Event. An application for an Event involving more than twenty-five (25) attendees shall be filed at least ten (10) business days before the Event. The Chief may accept a late filing upon a determination that unforeseeable circumstances prevented the applicant from filing the application in a timely manner.
- (b) Contents. The application shall contain the following information, utilizing a form provided by the Town:
  - (1) The name, address, telephone number, and email address of the Sponsor and any organization or group the Sponsor is representing.
  - (2) The name, address, telephone number, and email address of the person who will act as the Event leader and will be responsible for conducting the Event.
  - (3) A description of the proposed activities during the Event;
  - (4) The date, starting time, and ending time of the Event, and if the application is for a recurring series of Events, the dates starting times, and ending times of each.
  - (5) If the Event is a Public Assembly, the specific desired location(s) of the assembly.
  - (6) If the Event is a Parade, the specific assembly and dispersal locations, the specific route, and the plans for assembly and dispersal.
  - (7) The anticipated number of people who will participate in the Event and, for Parades, the number of vehicles and a description thereof.
  - (8) A statement as to whether the Event will occupy all or a portion of any street, sidewalk, or other public right-of-way.
  - (9) A description of any sound amplification equipment, banners, signs, or other attention-getting devices to be used in the Event.
  - (10) Such other information that the Chief deems reasonably necessary to properly provide for traffic control, event cleanup, garbage collection, street and property maintenance, administrative arrangements, police and fire protection, and for the general protection of public health, safety and welfare.

## **Sec. 74-124. - Issuance or Denial of Permit.**

Event permits shall be issued or denied as follows:

- (a) Denial for false information. The Chief shall not issue a permit if any of the information supplied by an applicant is false or intentionally misleading.
- (b) Approval. The Chief shall issue the permit with three (3) business days of receiving the completed application if the application and Event comply with the requirements of this chapter and the Chief finds that:
  - (1) The Event does not pose a significant risk of harm to public health, safety, and welfare;
  - (2) The time, duration, route, and size of the Event will not unreasonably interrupt the safe and orderly movement of vehicular or pedestrian traffic on Public Space or the normal use of Public Space;
  - (3) The Event will not unduly interfere with police, fire, or rescue services to the remainder of the Town either by requiring the presence of such first responders or by slowing their travel to locations across Town;
  - (4) The Event will not interfere with another Event for which a permit has been granted; and
  - (5) The Event will not violate state, federal or federal law.
- (c) Denial. If the Chief denies an application after considering the factors set forth in Section 74-124(b), the applicant shall be notified using such means as are available to provide notice as soon as possible. The Chief shall advise the applicant of their right to appeal the decision under Sec. 74-125. Nothing in this section shall permit the Chief to deny a permit based upon political, social, or religious grounds or reasons or based upon the content of the views expressed. Denial of a permit on such grounds is prohibited.
- (d) Approval of Alternate. The Chief, in denying a permit for an Event, may authorize the Event on an alternate date or time, or at an alternate location. An applicant desiring to accept an alternate permit shall file a written notice of acceptance with the Chief.

## **Sec. 74-125. - Appeal.**

Any person aggrieved by the refusal of the Chief to grant a permit, or by the revocation of a permit after one has been issued, may appeal the denial or revocation to the Town Manager by filing a written notice of the appeal setting forth the grounds thereof. Any such appeal must be received within five (5) business days after the date of the decision giving rise to the appeal. The Town Manager shall act upon the appeal within five (5) business days after its receipt.

## **Sec. 74-126. - Excluded Areas.**

- (a) No Event may take place that will require traffic to be stopped on Main Street (BUS-211) for a period of more than ten minutes during weekdays between 6:00 a.m. and 7:00 p.m., excluding the regular stoppage of traffic as a result of existing traffic signal devices. The Chief may include reasonable conditions as part of any permit issued for an Event that will involve persons walking on Main Street to ensure that traffic is not stopped for a period of more than ten minutes.
- (b) No Event shall close or restrict public access to Hawksbill Greenway.

## **Sec. 74-127. - Competing or Opposing Groups.**

Nothing in this section prevents persons or groups opposing or competing with the Sponsor of a permitted Event

("Opponents") from appearing at the Event, provided Opponents (a) do not unreasonably interfere with the operation of the permitted event, or (b) unreasonably interrupt the safe and orderly movement of vehicular or pedestrian traffic on Public Space or the normal use of Public Space.

The Sponsor for the Opponents shall make a written application to the Chief as soon as reasonably practicable upon forming the intent to appear at an Event. If submitting a written application is not reasonably practicable, the Sponsor for the Opponents must provide notice to the Chief as soon as they form the intent to appear at an Event. Without such notice, the Opponents may be denied permission to assemble because the Town may not be able to adequately secure the Event. When Opponents are present, the Chief may assign Public Space to different groups on an equitable basis, based roughly on the proportionate numbers of persons present. The Chief may also physically separate Opponents from differing groups from one another in order to promote public safety.

#### **Sec. 74-128. - Prohibited Conduct**

- (a) Interference with Event. No person shall unreasonably hamper, obstruct, impede, or interfere with any Event or with any person, vehicle or animal participating or used in an Event for which a written permit has been issued.
- (b) Driving through Parades, etc. No driver of a vehicle shall drive between the vehicles, persons or displays of an Event except when otherwise directed by a police officer. This paragraph shall not apply to authorized emergency vehicles.
- (c) Provocative Conduct. No person shall do any of the following at an Event or within 250 yards thereof:
  - (1) Carry bats, clubs, or similar items;
  - (2) Wear masks as prohibited by Virginia Code, § 18.2-422;
  - (3) Carry chemical irritant sprays or caustic substances;
  - (4) Carry shields;
  - (5) Carry any open flames other than candles;
  - (6) Wear a helmet (unless riding a motorcycle, bicycle, or similar device), or
  - (7) Carry any item that can be used as a projectile or is designed to cause significant bodily harm. It is permissible to carry written or printed placards, signs, flags, banners, etc., but such items shall not be attached to poles or rods.

The Sponsor shall disclose in the application whether the Sponsor requests permission for a prohibited item to be used during a demonstration due to its expressive or symbolic quality relevant to the subject matter of the demonstration, including without limitation symbolic weapons, open flames or other similar items. If a permit includes the right to carry or display a prohibited item, such item must be carried or displayed in strict accordance with the terms of the permit and must otherwise at all times conform to applicable law.

#### **Sec. 74-129. - Powers of the Chief.**

In addition to all other powers of the Chief under applicable law, the Chief may:

- (a) Order the dispersal of one or more persons who are violating this chapter.
- (b) Order the dispersal of any gathering which violates this chapter or for which there is a probability of violence, injuries to people, or property damage.
- (c) Revoke any permit issued under this section whenever there is a probability of violence, injuries to people, or property damage.
- (d) Make temporary regulations for parking or traffic on Public Space to accommodate an Event or

minimize the risk of personal injury or property damage.

- (e) Close any Public Space when an Event or other gathering presents a probability of personal injury or property damage.

**Sec. 74-130. - Violations.**

Any violation of this chapter shall constitute a Class 3 misdemeanor.

**Sec. 74-131. - Delegation.**

The Chief is authorized to act as follows with respect to any Event:

- (a) If requested by the Page County Sheriff, the Chief may cede to the Sheriff all control of the permitting process and event scene, thereby delegating to the Sheriff all authority vested by this section.
- (b) If requested by state or federal authorities acting within their jurisdiction, the Chief shall cede to the requesting party all control of the permitting process and event scene, thereby delegating to the requesting party all authority vested by this section.
- (c) At any time, the Chief may act through such other officers of the Luray Police Department as he or she may designate.

**Sec. 74-132. - Indemnity.**

The Sponsor of an Event for which a permit is required shall be required to indemnify and hold harmless the Town, its officials, employees and agents from any personal injury, death and property damage, and any other loss, cost and/or damage occurring as a result of the actions or inactions of an Event's Sponsor, or the Sponsor's failure to comply with these regulations. In no event shall the Town have the duty to indemnify any third party.

**Sec. 74-133. - Insurance.**

If the approximate number of people who will participate in an Event is more than 50, the Sponsor of an Event shall furnish a general liability and property damage insurance contract insuring the Sponsor's liability for personal injury, death and property damage resulting from its use of Public Space. The required general liability and property damage insurance shall be provided in an amount not less than \$1,000,000, and the insurance policy shall name the Town (including its officers, officials, employees and agents) as an additional insured party to the insurance contract. Failure to provide required insurance, and reasonable documentation of the insurance, will be grounds for denial and/or revocation of a permit. Prior to commencement of the Event, the Sponsor must provide the Town with an insurance certificate that verifies the insurance coverage required by these regulations. In no event shall the Town have the duty to provide insurance to or on behalf of any third party.

The Chief may waive the insurance requirement, in whole or in part, for Events which do not (a) pose a high level of liability risk to the Town or a material risk to public safety; and (b) do not involve any inherently dangerous activity. A written request to waive or modify any insurance requirement must be made by the Sponsor at the time a permit application is submitted. An approval or denial of the request will be made in writing to the Sponsor.

**Sec. 74-134. - Fees and charges.**

The Sponsor shall submit an application fee to the Town, and, if additional police personnel are necessary to ensure that the Event does not endanger public health, safety, and welfare or disrupt the orderly flow of pedestrian and vehicular traffic, the Sponsor shall pay police personnel charges to the Town. Such fees and charges are payable in the amounts and at the times set forth in Appendix A to this chapter.

The fees and charges due hereunder shall be waived, in whole or in part, if the Sponsor claims a bona fide

financial hardship in the application and demonstrates by reasonable evidence that such fees and charges would render the Sponsor not reasonably able to conduct the Event. A bona fide financial hardship shall be deemed to exist if the fees and charges herein exceed (a) ten percent (10%) of the Sponsor's annual income, and (b) ten percent (10%) of the Sponsor's gross assets. In such cases, the Town Manager shall waive payment of the fees and charges to the extent necessary to enable the Sponsor to conduct the Event.

**Sec. 74-135. - Compliance with other laws.**

Events must comply with all applicable federal, state and local laws. The granting of a permit required by this chapter shall not eliminate any requirements for a business license or other permit and licenses which may be required under federal, state or local law.

**Sec. 74-136. - Severability.**

If any portion of this chapter is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this chapter and such invalid provisions or portions thereof shall be severable.

**Appendix A**

**1. Permit Application Fee**

*Amount:* \$--.00, nonrefundable.

*When Payable:* With application

**2. Police Personnel Charge, Initial**

*Amount:* \$40.00 per officer per hour

<b>Event Size</b>	<b>Additional Officers Required</b>
Less than 20 persons	0
20-30 persons	1
31-40 persons	2
41-50 persons	3
Greater than 50 persons	4

*When Payable:* With application (refundable upon cancellation at least 24 hours prior to Event)

**3. Police Personnel Charge, Supplemental**

*Amount:* To the extent that additional charges are incurred for police personnel in excess of the Initial Police Personnel Charge (the “Supplemental Police Personnel Charge”), the Sponsor shall pay the greater of:

- (i) \$60.00 per hour per additional officer required to be present at the Event as deemed necessary by the Chief based on the approximate number of people estimated to participate in the Event or the actual number of people who participate in the Event
- (ii) the established hourly wage for overtime work, for each of the particular officer(s) willing and available to cover the Event as deemed necessary by the Chief based on the approximate number of people estimated to participate in the Event or the actual number of people who participate in the Event

If the Initial Police Personnel Charge is in excess of the charges incurred, the Sponsor will receive a refund in the amount of the difference.

*When Payable:* Within thirty (30) days from the date of an invoice mailed by the Chief to the Sponsor at the address set forth on the application.

**4. Road Closure Charge**

*Amount:* \$100.00 per road, non-refundable

*When Payable:* With application

# SPECIAL EVENT PERMIT APPLICATION

## Terms of Agreement



**Town of Luray**  
45 E. Main Street  
Luray, VA 22835  
540-743-5343

Application must be submitted not less than five (5) business days prior to the date of the proposed activity. Activities involving more than 25 persons must be submitted at least ten (10) business days prior to proposed assembly or special event.

**Title of Event:** \_\_\_\_\_  
**Detailed description of Proposed Activity:** \_\_\_\_\_

\_\_\_\_\_

**Date of Event:** \_\_\_\_\_ **Start Time:** \_\_\_\_\_ **Stop Time:** \_\_\_\_\_

**Name of Organization if Applicable:** \_\_\_\_\_

**Contact Person:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**E-mail address, we may contact you regarding this application:** \_\_\_\_\_

**Number of Participants:** \_\_\_\_\_ **Requested Location of Activity or Event:** \_\_\_\_\_

\_\_\_\_\_

Will food be served? If yes, please refer to terms of agreement for rules and regulations. **Yes** \_\_\_ **No** \_\_\_

Will Music be played? If yes, please refer to terms of agreement for rules and regulations. **Yes** \_\_\_ **No** \_\_\_

**Describe plans for garbage and litter cleanup during and after the event:**

\_\_\_\_\_

\_\_\_\_\_

By signing this document, you agree to abide by all rules, terms of agreement, and conditions for holding a special event at our of our Town of Luray properties.

**Date:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**Title:** \_\_\_\_\_

*Please complete the application and return to: Luray Town Office Attn: Luray Chief of Police*

*45 East Main Street, Luray, Virginia 22835 or fax: 540-743-7334 or email: [bowcook@townofluray.com](mailto:bowcook@townofluray.com)*

**Administrative Use ONLY:** Fees due: \$ \_\_\_\_\_ Fees Waived: \$ \_\_\_\_\_ Date fees paid: \_\_\_\_\_

Indemnification/Release Executed \_\_\_\_\_ Certificate of Insurance provided \_\_\_\_\_

Approval by Parks Director: \_\_\_\_\_ Date: \_\_\_\_\_

Approval by Chief of Police: \_\_\_\_\_ Date: \_\_\_\_\_

# Town of Luray Special Event Permit

## Terms of Agreement



Town of Luray  
45 E. Main Street  
Luray, VA 22835  
540-743-5511

### General

- A Special Event Application is required to request use of any piece of town property for an event with detail of the event to include summary, number of guests, décor, inclusion of food or music, and clean-up plan.
- A Special Event Application is recommended for a private property event if the event could 1) interfere with the normal flow of pedestrian or vehicular traffic or 2) the normal use of any public space.
- Special Event Application must be approved to proceed.
- Damage or theft of public property during event or associated with the event will be the responsibility of the group representative. Cost associated with any repair or replacement will be charged to the group contact/representative.
- The Town of Luray and its employees will not be held responsible for any and all acts or omissions by guests or participants.
- Failure to comply with permit conditions may result in cancellation of reservation or use of public property.
- Parks hours are from sunrise to sunset. Park gates close at sunset.
- There will be no setting up the evening before your event. The Town of Luray will not be held responsible for stolen items or damaged goods.
- All personal items must be removed by the closing of the park, sunset or from the Right-of-Way by the time specified on the Permit.
- The earliest you may have access to our Park facilities is sunrise, when the gates open to the public.
- Park shelter reservations can put up signs directing family and friends to event shelter, but they must not be attached to trees, park signs, or other structures and must be removed prior to closure of park.
- Park event guests may enjoy non-exclusive use of other facilities in the Park.
- Rental of any of Park facilities for an event will be denied by Park Management if the event is deemed to prohibit use of the park by other visitors.
- Parking lots are to only be used for parking, not camping.
- Littering on park property or Town Right-of-Way will NOT be tolerated. All associated trash must be cleaned up prior to sunset, when the park gates close.

### Outdoor Venue Locations

- Lake Arrowhead
- Ralph H Dean Recreation Park
- Ruffner Plaza
- Park & Ride Lot

# Town of Luray Special Event Permit

## Outdoor Venue Rental Rules & Regulations

- Public display or use of alcoholic beverages on any and all town property is strictly prohibited.
- Luray Police Department will be patrolling during all events.
- All decorations at outdoor venues must be confined to rented area and must be removed promptly after event. All décor must be removed before sunset.
- Decorations shall not damage any of the town structures.
- Music and all noise shall be kept at a reasonable level. Music shall be cut off at no later than 9pm or sunset, when gates close. Be respectful to the public visiting Lake Arrowhead, as well as the surrounding neighbors.
- The placement of any tents or inflatables must be detailed in your permit application and approved PRIOR to the event by park management.
- Portable toilets may be required in the event anticipated guests are expected to exceed the limits and max capacity of our park restrooms.
- Public restrooms are available to the public for guests convenience, but are not limited to just event guests and attendees.
- Outdoor venues are open to the public and Park Management cannot control the public noise level associated with the use of those facilities.
- At Lake Arrowhead, swimming is NOT permitted outside of the hours of 11am-6pm Monday – Saturday, or 12pm-6pm on Sunday, Memorial Day through mid-August.
- Renters are responsible for all additional chairs and tables they may need.
- No candles or open flames will be permitted for events in/under the shelters.
- Paint, glitter, confetti, or glue may not be used while using our facility.
- Birdseed *must* be thrown in lieu of confetti, balloons, glitter, or rice for events.
- Do not move/remove any picnic tables or chairs from the shelters without prior approval from Park Management officials.
- The release of balloons, birds, insects, or any other wildlife related animal is prohibited.
- Those who rent the shelters are expected to maintain cleanliness and leave it in better condition than you found it. If used areas are left unclean, deposit will *not* be returned.

## Reservation and Cancellation Policy

- Reservations can be made by calling the Luray Town Office at (540)743-5511.
- Reservation must be paid in full to reserve property upon approval of Facilities Usage Form.
- No refunds will be issued for cancellations.

## Fees

### Lake Arrowhead:

- Lions Shelter (large, approx. 100 persons) **\$45**
- Ruritan Shelter (large, approx. 100 persons) **\$45**
- Town of Luray Shelter (medium, approx. 50 persons) **\$40**
- Sorority Shelter (small, approx. 30 persons) **\$35**
- FFA Shelter (medium, approx. 50 persons) **\$40**
- Modern Woodmen Shelter (large, approx. 100 persons) **\$45**
- \$100 cleaning deposit *must* be made upon approval of Special Event Permit. If shelters and surrounding areas are left unclean, deposit will *not* be returned.

# Town of Luray Special Event Permit

For questions regarding special events to be held at Lake Arrowhead or Ralph H. Dean Recreation Park, please call Park Management at 540-843-0770.

For questions regarding special event in Town Right-of-Way, please call the Town of Luray Police Department at 540-743-5343.

**The terms of this agreement shall be deemed to be an acceptance and agreement by you, and on behalf of all other persons using this facility, to be bound by all terms and conditions listed above.**

Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

Date: \_\_\_\_\_ Phone Number: \_\_\_\_\_



# Town of Luray, Virginia

## Council Agenda Statement

Item No: XIII-A

Meeting Date: November 13, 2018

Agenda Item: CLOSED MEETING  
Item V-A – Prospective Business

Summary: Council is requested to go into Closed Meeting for the purpose of discussion of the discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business interest in locating or expanding its facilities in the community, as authorized by Section 2.2-3711(A)(5) of the Code of Virginia. The subject matter is a prospective business or industry identified by the Page County Economic Development & Tourism.

Council Review: August 28, 2018 Work Session

Fiscal Impact: N/A

### **Motion to Go Into Closed Meeting**

I move that Town Council convene and go into Closed Meeting for the purpose of discussion of the discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business interest in locating or expanding its facilities in the community, as authorized by Section 2.2-3711(A)(5) of the Code of Virginia; and for the purpose of discussion, consideration, or interviews of prospective candidates for appointment of any public body, as authorized by Section 2.2-3711(A)(1) of the Code of Virginia. The subject matter is a prospective business or industry identified by the Page County Economic Development & Tourism Coordinator and the appointment of a Town representative to the Page County Economic Development Authority.

*A roll call vote shall be taken to certify the vote to convene in Closed Meeting.*

### **Motion to Adjourn Closed Meeting and Reconvene in Open Session**

*At the conclusion of the Closed Meeting, immediately reconvene in open session.*

I move the closed meeting be adjourned and the Luray Town Council reconvene in open session.

*A roll call vote shall be taken to adjourn the Closed Meeting.*

### **Certification Resolution**

*Upon reconvening in open session, Council shall certify the Close Meeting discussion.*

I move that with respect to the just-completed closed session and to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting by the Town Council.

*A roll call vote shall be taken to certify the Closed Meeting discussion.*

**NOTE:** *Any member who does not intend to vote "aye" should state so prior to the vote and indicate the substance of the departure that, in his/her judgement, has taken place. This statement shall be recorded in the minutes.*