

**MINUTES OF A TOWN COUNCIL WORK SESSION
TOWN OF LURAY, VIRGINIA
Tuesday, July 26, 2011**

The Luray Town Council met in a work session on Tuesday, July 26, 2011 at 5:30 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
Lonnie Arrington
Mary Menefee
Leroy Lancaster
Jerry Schiro
Earl Racer

Also Present: Rick Black, Town Manager
Bryan Chrisman, Assistant Town Manager
Ligon Webb, Town Planner
Mary Broyles, Treasurer
Danielle Babb, Deputy Clerk Treasurer
Jason Spitler, Town Attorney

The meeting was called to order by Mayor Barry Presgraves and everyone recited the Pledge of Allegiance to the flag.

Changes or Additions to the Agenda

The roll was called and Town Manager, Rick Black, requested that Council discuss several topics not on the agenda. Mr. Black asked to discuss a request form Mr. Jim Sims, the public parking area behind Dippin' Dots, and a brief report on the Main Street Bridge.

Town Attorney, Jason Spitler, said that there would be no need for an Executive Session.

Town Planners Report

Town Planner, Ligon Webb, reported on the definitions for electronic offices, home occupations, and professional offices. Mr. Webb said that these ordinance revisions have been approved by the Planning Commission and will come before Council at the September meeting. Mr. Webb provided an overview of the definitions and the changes that were made by the commission, which was included in Council's packet.

Councilman Lancaster said that he did not think that some items were voted on. Mr. Webb said that the changes as a whole were approved by the Planning Commission.

Councilman Arrington asked why the definition for home occupations was changed to provide for a special use permit in zoning districts R3 and R4. Mr. Arrington expressed concern over why this was now available by special use permit when it had been a matter of right for many years. He said that it was not fair for those who have always had a business in these districts as a matter of right to now have to obtain a special use permit. Mr. Webb explained that under the definition of home occupation there may be some people coming to the home/business and therefore would be best suited for a special use permit. Both Councilman Arrington and Councilman Lancaster discussed why a home occupation would be allowed in an R2 zoning district. Councilman Arrington said that he cannot understand why a home occupation would be allowed even by special use permit. Assistant Town Manager, Bryan Chrisman, said that the special use process allows for neighbors in these residential areas to have an opportunity to comment on the proposed business. Councilman Arrington expressed concerns over a business not being required to have a special use permit in the past and now being required to especially with the cost associated. Staff reminded that businesses already in existence would be exempt from this. Mayor Presgraves inquired about which of these definitions is allowable in an R3 or R4 zoning district. Councilman Schiro said that this moves them to a “use by special permit” in the R3 and R4 districts. Mr. Webb and Councilman Arrington then discussed the differences between an electronic office and home office. Mr. Webb said that the commission felt that with home occupation having people coming in and out of the home, there would be a need for the special use process.

Councilman Schiro and staff discussed the definition and examples of home occupation. Mr. Webb explained that Bed and Breakfast businesses are no longer a “home occupation” but are under a separate zoning classification.

Councilman Racer recommended that a definition be added for telecommuters. Council and staff discussed the issue of telecommuting and felt it best to make this a stand alone definition. Also, telecommuting does not require a business license.

Councilman Lancaster said that he did not want to see home occupations in R2 zoning districts. Councilwoman Menefee said that perhaps we are being too restrictive.

Council discussed that there should be no differences between what is allowed in R1 and R2 zoning districts.

Councilman Lancaster and Mr. Webb discussed which ordinance revisions were voted on by the Planning Commission. Councilman Lancaster asked if specific changes were in fact voted on. Mr. Webb explained that the changes, “as a whole”, were recommended by vote from the Planning Commission.

Councilwoman Menefee asked staff what the Council’s options are. Town Manager, Rick Black, suggested that if Council would like to make changes to these recommendations, that they would be able to do so during the public hearing. A public hearing must be held first since this is what the commission is recommending. Councilman Schiro agreed that because the Planning Commission has already held its public hearing on the ordinance amendments, that Council must also hold a public hearing before making changes. Mr. Webb said that he will proceed with advertising these changes for public hearing at the September Council Meeting.

Councilman Racer asked why this was being reviewed and if there had been complaints. Mr. Webb said that he was directed to look into these changes. Councilman Racer questioned if this was worth all the effort. Councilman Schiro said that while Mr. Webb was reviewing this topic it led to revamping all definitions. Councilwoman Menefee said that this was a good area for review due to economic conditions and work situations changes for many citizens.

Councilman Vickers asked how many special use permits are turned down by Council. Mr. Vickers also raised some questions about the types of home occupations that can exist and how citizens can be affected by neighboring occupations.

Councilman Arrington told Mr. Webb that he has done some good work on this, however he does not agree with some of the choices made by the Planning Commission. Mr. Webb summarized by saying that he would advertise for a public hearing in September and that changes could be made at that time. Mayor Presgraves said that the public hearing allows for citizens to express their concerns at that time. Councilman Lancaster said that many citizens do not understand how this process works. Mr. Webb advised that the *National Planning Commission* has some good informational literature and examples on this and that he will pass this along to Council for their review.

Councilman Lancaster said that he still has some concerns over the definition of “home occupation”. Council also discussed the differences between electronic office/occupation and home occupation. Councilman Lancaster questioned the deletion of electronic office and replacement of the term with electronic occupation. Councilman Lancaster said that he would like to see the entire ordinance revision sent back to Planning Commission.

Mr. Webb said that the information before Council is what the commission has held their public hearing on and is what the commission is comfortable with recommending to Council. Mr. Webb said that there were no comments during the public hearing. Mayor Presgraves concluded the discussion by directing Mr. Webb to advertise this for a public hearing and then Council can proceed.

Public Hearing (8/8/2011): NSVRC Water Supply Plan

Assistant Town Manager, Bryan Chrisman, reminded Council that in their packets is a copy of the advertisement for the public hearing that will take place at the August Council Meeting. Mr. Chrisman said that the Regional Water Supply Plan is mandated by the DEQ and will remain a working document. Mr. Chrisman said that a representative from NSVRC will be at the August meeting to address any questions Council may have. Mr. Chrisman said that a sample resolution had been included for Council’s review.

VDOT Improvement List

Town Manager, Rick Black, advised Council of his recommendations for the VDOT improvement list. He told Council that there were some aerial renderings included in their packet along with the draft list of improvements. Mr. Black said that the key focus will be on improving traffic flow in the area of Leaksville Road, West Main Street, and Northcott Drive. Mr. Black said that this list will be submitted to VDOT and the question now is what can be accomplished for the town’s 1.5 million in funding. Mr. Black explained that some items on the list are far more costly than others. Council and staff then

discussed their concerns for Leaksville Road improvements and school traffic issues. Town Manager, Rick Black, said that the town will submit the improvement listing and then a scope meeting will be held. Mr. Webb said that VDOT hopes to have some updates by the end of August along with some dollar figures assigned to each improvement.

Signs

Sandwich Board

Town Manager, Rick Black, reviewed an excerpt from the town's sign ordinance on the definition of a sandwich board sign. This excerpt highlights the number of signs, where they can be placed, and other information. Mr. Black said that there has been some concern over these signs but there have been no complaints from the public. Mr. Black reminded that there cannot be any sandwich board signs that relate to events located out of town. Councilman Lancaster discussed the sign for the Warehouse Art Gallery. Councilman Vickers inquired about the permitting process for sandwich board signs. Councilman Lancaster stated that he feels this ordinance is not being enforced. Mr. Black read the definition of sandwich board sign. Councilman Racer recalled the Council allowing the sign to be located offsite so long as it was put away each evening. Mr. Webb recalls that at one time the sign was taken in each night, but said that basically the town is trying to be helpful to some extent by not enforcing this. Council asked Mr. Black if he felt this sign was in compliance. Mr. Black stated that the sign is in compliance because the terms of the sandwich board permit are at the discretion of the Zoning Administrator. At this point, the Zoning Administrator has not required that the sign be removed or required that it be taken down daily. Council and staff continued to discuss the sign for the Art Warehouse that is located near Artisan's Restaurant. Mayor Presgraves advised Council that they should be cautious in how this is handled and not brand the town as non-business friendly. However, Mayor Presgraves said that if Council wants action taken then staff will be directed to do so. Councilman Arrington cautioned against setting any precedents on these signs. Council directed staff to ask Mr. Mayes to remove the sandwich board in the area of Artisans Restaurant each night and to continue to allow the other sign to remain in its current location.

Billboard

Town Manager, Rick Black, said that recently a billboard sign permit was issued for the repair of a billboard on East Main Street in the area of Fran's bookkeeping. He said that according to the Code of Virginia the Commissioner of VDOT has the authority to issue the sign permit. The building official has thirty days to appeal this decision if he/she does not agree with this. Councilman Lancaster asked Mr. Black and Mr. Spitler if it was too late to do anything about this. Town Attorney, Jason Spitler, said that there were basically no grounds to appeal this. He said that Mr. Black was aware that Council would not like this but there is no recourse. Council and staff discussed the 50% ruling for replacement cost. The ordinance says that in no case shall a nonconforming sign be replaced or rebuilt if the cost of the replacement or rebuilding process exceeds 50% of the current replacement cost. The original date on this was back in April 2011 and the building official signed off on this in May 2011. Mr. Black said that the town was obligated to issue a zoning permit according to the Code of Virginia. Assistant Town Manager, Bryan Chrisman, agreed that the town is obligated by the state code. However, Mr. Chrisman said that the one option for recourse is to request a site inspection from the building official. He said that in the future we should request this as soon as an application is received. Town Attorney, Jason

Spitler, said that the only recourse at this point is to find that the sign is not in compliance with what was submitted. Mayor Presgraves summarized by saying that basically we have missed the window of opportunity on this appeal.

Park & Ride Recycle Station

Town Manager, Rick Black, stated that in trying to promote a “green theme” in our town, we have installed several recycling stations in town areas to try to promote citizen participation. Mr. Black said that the idea actually came from town staff members who empty our trash every day and found many items not being recycled. Mr. Black also said that screening has been implemented to make portable toilet areas at the park and ride better looking. Mr. Black provided Council with a photo of what the area used to look like and what it looks like now. Mr. Black said that the goal is to try to encourage citizens to recycle in these areas rather than emptying trash. Councilman Racer said that he thinks this is a wonderful idea and that he would like to see this concept implemented at all town sponsored events. Councilman Vickers agreed that he would like to see these in more areas and at Lake Arrowhead also.

Announcements

Mayor Presgraves reminded Council that the opening night for the softball tournament is Friday, July 29th.

Additions to the Agenda

Town Manager, Rick Black, said that there is a problem with the parking area behind the Dippin Dots Ice Cream Parlor. The island in the parking area has trees that are destroying the curb area and the root structures are ruining the sewer lines. Mr. Black said he plans to remove these trees and replace them with something that will not ruin the lines. Mr. Black also recommended not replacing the 200 foot strip of sidewalk that also adjoins the island/parking area. The sidewalk has no function because there is a sidewalk already beside the parking area and this will result in a big cost savings when replacing this curb.

Mr. Black said that Mr. Jim Sims had requested to be on the agenda but is not in attendance. Mr. Black stated that the request involved the upcoming National Cave Convention. Mr. Black said that Mr. Sims had requested a banner be put up across Main Street to welcome these visitors. Mr. Black said that he does not feel a banner across Main Street is a good idea; however there are many other locations that are appropriate for a welcome banner/sign. He said that this is a small gesture that can be done on behalf of the town to make these visitors feel welcome.

Town Manager, Rick Black, said he has received a package of information from Schwartz and Associates on the Main Street Bridge. Mr. Black said he has asked for clarification on a few things and has received some estimates. He said these estimates are less than originally expected but are still in the neighborhood of \$1.5 million for repairs. He said that Council will have some tough decisions ahead regarding this issue. Mr. Black advised Council that these estimates are for options that will keep the bridge open during repairs; he does not believe that closing the road is an option. Mr. Black said that Burleigh Construction has recently repaired one problem concerning the bridge.

Mr. Black advised Council of an article in the Washington Post that he read recently involving the FAA no longer reimbursing construction loans for small airports. He said that small airports may be left responsible for these types of projects.

Mr. Black also updated Council on Phase IV of the Depot.

Councilman Arrington asked if there was any way that the old IGA building could be cleaned up. Mr. Chrisman and Mr. Black said that we must notify the owner. Councilman Schiro suggested that the town clean up the area even if there is no recourse for receiving reimbursement. Mr. Chrisman said that the town must notify the owner for liability reasons. Council and staff also suggested hiring a contractor to clean up the area.

Adjourn

There being no further business, Mayor Presgraves adjourned the work session of the Town Council at approximately 7:16 pm.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer