

**MINUTES OF A TOWN COUNCIL
SPECIAL MEETING
TOWN OF LURAY, VIRGINIA
Tuesday, May 22, 2018
5:30pm**

The Luray Town Council met in a special meeting on Tuesday, May 22, 2018 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: Ron Vickers
Jerry Dofflemyer
Jerry Schiro
Leroy Lancaster
Joseph Sours
Leah Pence

Others Present: Steven Burke, Town Manager
Bryan Chrisman, Assistant Town Manager
Mary Broyles, Clerk - Treasurer
Danielle Babb, Deputy Clerk Treasurer
Beverly Butterfield, Senior Development Officer, Lord Fairfax Community College
David Slye, Lord Fairfax Community College Board Member
Jason Pettit, LDI Board Member/ Business Owner

Mayor Presgraves led members in the United States Pledge of Allegiance. The roll was called with all members present.

Town Manager, Steve Burke, stated that he had received a request from Hawksbill Assisted Living to consider a proclamation for Alzheimer's and Brain Awareness Month. The request was received today from Brian Phelps, CFO of Valley Care Management. Mr. Burke said that he has consulted with Town Attorney, Jason Botkins, who verified that Virginia Code 15.2-1418 and Town Charter Section 24 that the Council may add an Agenda Item by majority vote as long as all Council members are in attendance at the Special Meeting.

Motion: Councilman Schiro motioned to add item IV-E to the agenda to consider a proclamation designating June as Alzheimer's and Brain Awareness Month; Councilman Dofflemyer seconded the motion with the following members voting YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence.
Approved 6-0

ACTION & DISCUSSION ITEMS

FY 2019 Budget

Town Manager, Steve Burke, said that Council is requested to consider adoption of the proposed FY 2018-2019 Budget and he will be glad to answer any remaining questions from Council.

Council members discussed the contribution to Lord Fairfax Community College. Councilman Sours questioned the Town's unencumbered fund balance and how this contribution may affect the Town's repayment of debt service. Councilwoman Pence discussed why members desire to increase the level of funding. Ms. Pence advocated a contribution of \$250,000 but not at the level of \$400,000-\$500,000.

Councilman Vickers recalled the Town's decision to fund Project Softball and the earmarking of Cigarette Tax Revenues to offset the cost of the Ball Park Improvements. Councilman Vickers continued that certainly the Town could allocate funds to LFCC. Mr. Vickers stated that he would like to be a part of the Council that puts emphasis on education. Councilwoman Pence countered that the Ballfield Improvements were a popular decision but not a fiscally responsible one.

Councilman Vickers explained that he feels the Luray campus will be an asset to the Town overall and create better education and higher paying jobs for the community. Councilman Dofflemyer stated that he felt there was no better way to promote economic development. Mr. Dofflemyer asked Ms. Butterfield of LFCC if she believes enrollment will increase as a result of the new campus. Ms. Butterfield said that with the new campus will come a trade's lab, which will in turn provide career courses for many students throughout the valley; thus increasing enrollment. Mr. Dofflemyer said that he was a bit hesitant at first to commit such a level of funding; but, has heard nothing but positive outcomes. Councilman Schiro stated that he made his argument in favor of funding at the last meeting and maintains that there is no better return on investment. Councilman Lancaster stated that he is more so in favor of \$500,000 than \$400,000. Councilman Dofflemyer responded that he believes the growth of the college will result in further growth in this area of town. Councilwoman Pence continued that she would support \$250,000.

Councilman Sours explained that he feels the Town's commitment leaves no buffer in funding. Mr. Sours advocated committing any budget surplus at the end of each fiscal year. Mr. Sours also said that he doesn't believe the additional \$150,000 will prohibit the college from doing anything they have planned. Councilwoman Pence said that there is still no feasibility study and noted that there are no hotels in Luray that can accommodate the needs of a meeting space. She continued that there is no place to stay or to dine.

Ms. Pence said that she does not want to make a decision based on popularity and that the Ballpark Improvements and two High Schools were both bad decisions. Councilman Schiro said that this decision is not based on popularity, this is to provide students an education. Mr. Schiro continued that this is a realistic and logical decision in his opinion. Mayor Presgraves stated that he sees no greater dividend on the Town's investment. He reminded that returns on investment are not quick, but are a valuable return when investing in our youth's education. Town Manager, Mr. Burke, explained that there are two motions for consideration.

Motion: Councilman Schiro motioned to approve the FY 2018-2019 budget as presented and authorize the Mayor to execute the resolution adopting the FY 2018-2019 budget. Councilman Lancaster seconded the motion with the following members voting YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. Approved 6-0

Resolution of LFCC Funding Commitment

Motion: Councilman Schiro motioned to adopt the Resolution of LFCC Funding Commitment of \$400,000 over the next five years, Councilman Vickers seconded the motion with the following members voting YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster. NAY: Sours, Pence. Approved 4-2

SUP 18-4 - 335 N Hawksbill Street – Lodging House

Mr. Burke discussed the request from Steward and Judy Yowell for a Special Use Permit to operate a Lodging House at 335 North Hawksbill Street (Tax May 42A4-A-20). The Council does not need to take any action at this time but will hold a Public Hearing on the request at the June 11th regular meeting. A lodging house is commonly defined as a residential building, other than a hotel, motel or bed and breakfast home, where lodging is provided for compensation on a regular basis, no longer than 30 days. The Planning Commission recommended the following conditions: occupancy of no more than six guests at any one time, off-street parking is required for all guest vehicles, one identification sign can be permitted on the property not exceeding four square feet, meals if provided shall be served to only guests renting rooms in the dwelling, and to obtain a Town Business License and Transient Occupancy and Meals Taxes be collected and remitted to the Town.

Council members asked if there was any opposition from neighbors, and if the property was posted with a sign. Mr. Burke said that no comments had been received from neighboring property owners. Councilman Lancaster verified that the property has the Public Notice sign clearly posted in the front. Assistant Town Manager, Bryan Chrisman, furthered that neighboring property owners are provided with a Certified Letter informing them of the proposed request.

Draft Code Amendments – Itinerant Merchants, Peddlers, & Solicitors

Town Manager, Steve Burke, discussed the proposed code amendment changes. Mr. Burke explained that the changes would provide the following; Establish Section 30-1 to regulate Commercial Solicitor hours and practices, Modify 30-38 to require currency on Town taxes prior to issuance of a Business License, Modify 30-71 to specify a general \$500 Business License tax rate unless specifically stated elsewhere in the Code, Modify 30-96 to establish a \$100 per month Business License tax rate for transient food vendors and establish exemptions for Itinerant Vendor Business License taxes, Modify 30-97 to establish \$250 per year Business License tax rate for peddlers not selling perishable items and establish exemptions for Peddler Business License taxes, and lastly Establish Section 30-102 to define Commercial Solicitors, establish their Business License tax rates, and establish exemptions for Commercial Solicitor Business License taxes.

Mr. Burke said that staff is simply seeking Council's input before any changes are advertised and that no action is needed at this meeting. Mr. Burke did mention that a monthly business license would not be accommodated by the Town's software company. Council and staff discussed the proration basis and verified that "cherry picking" months of the year is not permitted. The proration would only be allowable from the date of obtaining the license forward to the end of the calendar year. Councilman Lancaster questioned why the Council doesn't consider leaving the ordinance as it is currently. Mr. Burke said that the Town of Shenandoah did in fact remain at the \$500 license fee.

Council and Staff then discussed the Luray Page Farmers Market but maintained that the market falls under a different set of regulations entirely. Councilman Sours expressed that the Farmer's Market does provide a good entrance to the Town on weekends and a good experience for locals and visitors. Mr. Burke added that the

Farmer's Market will have to insure themselves going forward and this may provide an issue for the future. Ms. Pence stated that going forward she wants to see financial reports from the market board.

Councilman Lancaster asked Mr. Jason Pettit to speak on the issue concerning a question that he has regarding the code amendments.

Jason Pettit- Baby Moons Restaurant

Mr. Pettit stated that the revisions to the ordinance do not make any exception for existing businesses to leave their establishment to provide meals at another location. He asked if this would require an additional itinerant license. Treasurer, Mary Broyles, said that the ordinance requires each location to obtain an additional business license. Mr. Pettit said that he will be selling his products at Hawksbill Brewery in June and that would create a point of sale at that location. He noted that two locations would also provide separate tax forms, etc. Mr. Pettit suggested a provision, much like the City of Harrisonburg has, for a food truck that is an extension of a brick and mortar restaurant to combine licenses and sales. Mr. Pettit noted that several brick and mortar restaurants in town are already doing so and this would make it official.

Mr. Burke, Town Manager, felt that this was something staff could make work in the ordinance. Councilman Schiro said this would level the playing field for brick and mortar restaurants already licensed but that Council should put this in writing. Mr. Pettit continued that at first he felt the \$500 annual fee was a bit costly but when speaking with local restaurant owners, he recognized that monthly rent at for a local restaurant is far greater than \$500 per month. Mr. Burke confirmed that Council is leaning toward keeping the \$500 annual fee and including language for brick and mortar businesses.

Councilman Lancaster added that two new businesses are forthcoming to Town.

Proclamation for Alzheimer's & Brain Awareness Month

Motion: Councilman Vickers motioned that Council adopt the Proclamation designating June as Alzheimer's and Brain Awareness Month; Councilman Dofflemyer seconded the motion with the following members voting YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. Approved 6-0

ADJOURN

With no further business, Mayor Presgraves adjourned the Special Meeting of the Luray Town Council at approximately 6:17 p.m.

Mayor, Barry Presgraves

Deputy Clerk, Danielle Babb