

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

Monday, June 14, 2021

The Luray Town Council met in regular session on Monday, June 14, 2021, 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 Jerry Dofflemyer

Council Present:

Ron Vickers
Stephanie Lillard
Jerry Schiro
Jason Pettit
Joseph Sours
Ligon Webb

Also Present:

Steve Burke, Town Manager
Mary Broyles, Clerk Treasurer
Danielle Babb, Deputy Clerk Treasurer
Chief Bow Cook, Luray Police Department
Jason Botkins, Litten & Sipe
Bill Huffman, Luray Downtown Initiative
Jackie Elliott, Luray Downtown Initiative
Joe Fudge, Arise of Page County
Vanessa Kulick, Choices of Page County
Lois Shaffer, Page One of Page County
Roxanne Shoemaker, 419 Fourth Street
Laura McKenzie, 403 Luray Avenue
Eddie Davis, 406 Luray Avenue
Julia and Chris Alsup, 402 Luray Avenue (applicant)

(This meeting was made public via the Town's Facebook page. Public comments were accepted prior to the meeting via e-mail to sburke@townofluray.com).

A quorum being present, Mayor Dofflemyer declared the Council to be in session for the transaction of business. All present stood for a moment of silence. Chief Cook provided an update on Detective McClelland, noting his visit last week. Mayor Dofflemyer requested that all members keep Detective Ron McClelland in prayer. Councilman Vickers led everyone in the United States Pledge of Allegiance. The roll was then called with all Council members present.

ADDITIONS OR DELETIONS FROM THE AGENDA

There were no changes to the agenda.

CONTINUITY OF GOVERNMENT ANNOUNCEMENT

Mayor Dofflemeyer read aloud the *Ordinance for the Continuity in the Government of Luray*.

CONSENT AGENDA

Motion: Councilman Vickers motioned to approve the Consent Agenda as presented, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Lillard, Schiro, Pettit, Sours, Webb. **Approved 6-0**

Consent Agenda

(A) Minutes of the Regular Council Meeting –5-10-2021

(B) Minutes of the Work Session- 5-25-2021

(C) Financial Statements ending 5-31-2021

(D) Accounts Payable checks totaling- \$ 292,594.49

GENERAL CITIZEN COMMENTS

There were no speakers during the citizen comment period.

PRESENTATIONS

Luray Downtown Initiative

Program Director, Jackie Elliott, said that the Creekside Commons project is near completion. The message sign installation is one of the remaining items. A ribbon cutting event is tentatively scheduled for July 2nd. Ms. Elliott invited everyone to attend the July Fourth festivities, which includes the Downtown Get Down. There will be live music and food trucks during the event. Ms. Elliott said that a large crowd is anticipated for July 4th and all lodging is currently sold out. The Ollie Cat Café is now open on Main Street and the new downtown brochure is completed. Ms. Elliott said the *Evenings on Main* Concert Series are seeing a great turnout, with the next concert scheduled this Friday. Councilman Jason Pettit recognized Bill Huffman for his service as LDI President; Bill is stepping down as the President of the Board. Mr. Huffman thanked the Council and said it has been a pleasure to serve as LDI's President.

Arise of Page County

Joe Fudge, with Arise of Page County, spoke to Council regarding his request for funding. Mr. Fudge read aloud a letter from Arise requesting \$25,000 in American Rescue Funding. He discussed the homeless problem in Page County and what Arise is able to do in terms of temporary housing and their current need for funds in order to continue these efforts. He addressed the community wide need for affordable housing. He noted that the closest overnight housing shelter is located in Harrisonburg and is at full capacity on a daily basis. Councilman Sours inquired about the number of folks receiving assistance who are locals. Mr. Fudge said the shelter does not keep track of those statistics. Councilman Vickers added that currently the Town has only received draft guidance on the American Rescue funds and more direction on how they can be spent is forthcoming.

Page One

Ms. Lois Shaffer updated the Council on Page One's efforts despite Covid-19 hardships. She said that Page One was open fully during the pandemic and continued to provide services to those in need. Page One continues to provide assistance in the areas of food, rent, water, fuel, and electricity funding. She noted that despite the lack of fundraising during Covid and the loss of inmate labor, Page One continued to accept donations and provide services. Ms. Shaffer said the organization continues to find creative means for fundraising. Page One of Page County is also requesting \$25,000 in funding from the American Rescue Plan.

Choices of Page County

Vanessa Kulick, Director, noted that her predecessor Ms. Debbie Dart was previously honored by the Council for her many years of service. She provided statistics on domestic violence in the community and said that Page County is on the high side statistically for domestic instances. Choices assists approximately 60 clients per year through the shelter, hotline calls, court advocacy, and counseling. Ms. Kulick discussed plans to work with the school system to provide preventive programs to reduce the likelihood of domestic violence. Choices receives state and federal funding and is working to diversify donations from local sources.

PUBLIC HEARINGS

SUP 21-02- 402 Luray Avenue

Mr. Burke stated that the Council is requested to hold a Public Hearing for citizen input on a request for Special Use Permit to operate a Lodging House at 402 Luray Avenue, (Tax Map No. 42A11-18-88-6A) in the High Density (Boomfield) Residential R-4 District. The Planning Commission unanimously approved the request at their meeting on May 12th. Mayor Dofflemyer opened the public hearing for comments with several attendees signed up to speak on the issue.

Roxanne Shoemaker- 419 Luray Avenue

Ms. Roxanne Shoemaker spoke regarding the volume of traffic in the area caused by the playground. She also stated that a lodging house was not appropriate in a residential neighborhood such as this.

Laura McKenzie- 403 Luray Avenue

Ms. McKenzie spoke against the request for a lodging house, due to the proximity of the school and danger to students. Ms. McKenzie addressed concern about rising property values and taxes and the effect on the elderly. Ms. McKenzie addressed the homeless issue in Page County and is opposed to a property being transferred to a lodging house.

James "Eddie" Davis- 406 Luray Avenue

Mr. James "Eddie" Davis raised concern about folks moving in and out of the home with weekly rentals. He felt there was great concern of "who" was coming and "when". Mr. Davis said that he spoke before the Planning Commission about these issues and did not feel his concerns were heard.

Julia Alsup- 402 Luray Avenue

Ms. Alsup spoke as the owner of the property and said that her family is committed to ensuring quality renters. She intends to fully vet guest applications and ensure minimal impact on the neighborhood. Ms. Alsup said that there are very strict rules for renters and takes great care in selecting those applicants.

Mayor Dofflemeyer closed the public comment portion. Councilman Schiro clarified that the application is for a Lodging House, as opposed to a Bed and Breakfast. A Lodging House does not require the owner to be on site. Councilman Schiro also clarified that when the house is not rented all necessary maintenance will continue.

Councilman Webb said that there are two very broad issues here this evening, one being the request for a lodging house (Airbnb) and the other being a lack of affordable housing in the community. Councilman Sours said that the applicants request has no bearing on the affordable housing issue. However, he said that he is given pause due to the number of folks in opposition of the request.

Councilman Pettit said that he previously lived next door to an Airbnb and the property was the best it had ever looked. He added that a vacant property would cause more detriment than an occupied home. Councilman Pettit said that he has been following the renovations at 402 Luray Avenue for some time and said the property has come to life over the past few months. Mr. Pettit expressed appreciation in that the owners have come forward and made a considerable investment in the neighborhood. Councilman Schiro concurred that there is no correlation between affordable housing and the Special Use Permit request. He recalled living adjacent to several Bed and Breakfast operations on Mechanic Street none of which were problematic.

Councilman Schiro reminded that the revenue from lodging tax supports the overall tax base, keeping real estate taxes from increasing. Councilwoman Lillard agreed with fellow Council members and asked Chief Cook if he recalls any enforcement issues with lodging houses. Chief Cook cited no issues of record. Councilwoman Lillard said that she is also a resident of the Boomfield area and does not dismiss any concerns provided by her neighbors. She added that hopefully the neighbors in opposition this evening can support the outcome of this hearing. Councilman Webb and Town Attorney, Jason Botkins, discussed a restriction on keeping the Special Use Permit non transferrable.

Motion: Councilman Vickers motioned to approve the Special Use Permit to operate a lodging house at 402 Luray Avenue with the conditions noted as presented. Motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Lillard, Schiro, Pettit, Sours, Webb. **Approved 6-0**

Code Amendment- Section 517 Sustainable Energy Systems

Town Manager, Steve Burke, requested the Council hold a public hearing to receive citizen input and to consider a Code Amendment to Appendix A- Zoning, Article V- Supplementary Regulation, Section 517- Sustainable Energy Systems. Council has previously discussed several modifications to the amendment which were implemented. The Code Amendment would provide for roof –mounted systems with certain size limits be permitted by right in all zoning districts. Ground mounted systems would be permitted in all districts by Special Use Permit. Larger system would be allowed in the M-1 Zoning Districts with a Special Use Permit and in compliance with criteria established in the code section. Mayor Dofflemeyer opened the Public Hearing for citizen comment, with no one present to speak the hearing was then closed.

Motion: Councilman Vickers motioned to adopt the Code Amendment to Section 517- Sustainable Energy Systems as presented to take effect immediately. Motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Lillard, Schiro, Pettit, Sours, Webb. **Approved 6-0**

ACTION & DISCUSSION ITEMS

FY 2021-2022 Town Budget Adoption

Town Manager, Steve Burke, presented the FY 2021-2022 Budget for adoption. A public hearing was held on May 10th in conformance with requirements. Councilman Vickers and Councilman Pettit complemented the budget and thanked everyone for their work on this.

Motion: Councilman Sours motioned to adopt the FY2021-2022 Budget as presented and authorize the Mayor to execute the resolution adopting the FY2021-2022 budget. Motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Lillard, Schiro, Pettit, Sours, Webb. **Approved 6-0**

FY2021-2022 Town Rate Schedule

Mr. Burke asked Council to consider the adoption of the FY2021-2022 Rates and Fee Schedule. The FY2022 rates include a water and sewer rate increase, an equalized tax rate for Real Estate, and rate revisions regarding swimming/kayaking. Councilwoman Lillard addressed the Business License fee for food trucks; which are in the peddler license category. Ms. Lillard addressed the \$500 annual fee and any revision that could be made. Mr. Burke explained that food trucks are also offered to purchase a daily (per event) license at a rate of \$25 per day. Councilwoman Lillard inquired about posting that option on the rate schedule. Councilman Pettit explained that the \$500 fee may seem high but not in comparison to the expenses incurred by a brick and mortar restaurant.

Motion: Councilwoman Lillard motioned to adopt the Ordinance for the FY 2021-2022 Rates and Fees Schedule as presented and authorize the Mayor to execute the resolution adopting the FY 2021-2022 Rates and Fees. Motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Lillard, Schiro, Pettit, Sours, Webb. **Approved 6-0**

Code Amendment- Article III- Parks Conduct

The Council has previously reviewed the Code Amendment to Article III- Conduct Within and Use of Parks to provide guidance on activities within Town Parks. The most recent revision by Council is for the authorization of metal detecting be prohibited unless prior approval is gained from the Town Manager.

Motion: Councilman Pettit motioned to adopt the Code Amendment to Article III- Conduct Within and Use of Parks as presented to be effective upon adoption. Motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Lillard, Schiro, Pettit, Sours, Webb. **Approved 6-0**

Rescind Continuity in Government Ordinance

Town Manager, Steve Burke, requested the Council consider rescinding the Emergency Ordinance for the Continuity in the Government for the Town of Luray associated with Public Meetings, Public Hearings, and Deadlines adopted by the Town Council on April 13, 2020 in response to the COVID-19 public health emergency.

The Governor has terminated Executive Order No. 72 and Order of Public Health Emergency No.9 effective midnight May 28, 2021.

Motion: Councilman Vickers motioned to rescind the Emergency Ordinance- Continuity in the Government of Luray as presented. Motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Lillard, Schiro, Pettit, Sours, Webb. **Approved 6-0**

Code Amendment- Chapter 82-89 Motorized Scooters & Motorized Skateboards

Mr. Burke requested a Code Amendment to regulate motorized scooters and skateboards within the Town Limits. The Town is experiencing an increase in the use of these vehicles. Chief Cook discussed the problems these vehicles present.

Motion: Councilman Vickers motioned to adopt the Code Amendment to Chapter 82-89 Motorized Scooters and Motorized Skateboards as presented and effective upon adoption. Motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Lillard, Schiro, Pettit, Sours, Webb.
Approved 6-0

Town Hall Meetings

Mr. Burke requested direction from Council on the proposed time frame to conduct a Town Hall Meeting. Council agreed to conduct the meeting in the fall, post Labor Day.

TOWN ATTORNEY

Mr. Botkins said he had nothing further this evening.

MAYOR'S ANNOUNCEMENTS

Mayor Dofflemyer reminded of the upcoming premier film of the Andrew Jackson School history by the Luray Living Legacy. In addition there are several future ribbon cutting events and the VML Training for newly elected Council members. Councilwoman Lillard advised Treasurer, Mary Broyles that she would like to attend the upcoming training. Councilman Pettit and Councilman Webb are already signed up.

EXECUTIVE SESSION

Specific Legal Matters -Section 2.2-3711(A) (8)
(Software Liability)

Mayor Dofflemyer requested a motion to adjourn into Executive Session for the purpose of discussing matters relevant to Section 2.2-3711.A.8.

Motion: Councilman Schiro motioned to recess the regular meeting and to convene in executive session; Councilwoman Lillard seconded the motion with the following members voting YEA: Council Members Vickers, Lillard, Schiro, Pettit, Sours, Webb. **Approved 6-0**

-Closed Meeting-

Certification: Mayor Dofflemyer asked members of Council to certify that to the best of their knowledge only matters covered under Section 2.2-3711.A.3 were heard, discussed, or considered during the closed session.

Motion: Councilman Schiro motioned to certify the closed session; Councilwoman Lillard seconded the motion with the following members voting YEA: Mayor Dofflemyer, Council Members Vickers, Lillard, Schiro, Pettit, Sours, Webb.

ADJOURN

With no further business, the meeting was adjourned at 9:30pm.

Jerry Dofflemyer
Mayor

Danielle Babb
Deputy Clerk-Treasurer