

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

MONDAY, MARCH 12, 2018

The Luray Town Council met in regular session on Monday, March 12, 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
Bryan Chrisman, Assistant Town Manager
Jason Botkins, Town Attorney
Mary Broyles, Clerk-Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Chief C.S. "Bow" Cook, Luray Police Department
Nancy Shifflett, Luray Downtown Initiative
Emily Reed, Luray Downtown Initiative
William Huffman, Luray Downtown Initiative
Jason Pettit, 111 North Court Street, Luray
Carol and Buddy Cave, 1271 Elgin Drive, Luray
Ken Racine, Racine MultiSports
David Reed, Reed and Reed PC
Greg Foltz, Mattie's Soft Serve, 1438 Goodrich Road, Stanley
Susan Rocke, Page Valley Arts Council

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. Councilwoman Pence led everyone in the United States Pledge of Allegiance.

CONSENT AGENDA

Motion: Councilman Vickers motioned to approve the Consent Agenda, motion seconded by Councilman Lancaster 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 –2-12-2018
- (B) Minutes of the Council Work Session – 2-27-2018
- (C) Financial Report- Month Ending 2-28-2018
- (D) Accounts Payable checks totaling- 268,355.99

CITIZEN COMMENT

Melvin (Buddy) and Carol Cave, 1271 Elgin Drive-

Ms. Carol Cave spoke during citizen comment regarding her catering business. Ms. Cave said that when she decided to sell her products in the Town of Luray she was shocked to find out the license fee was \$500 per year. She noted that the fee was pro-rated for the months she would be selling foods and has also been pro-rated for the coming year during the farmer's market season. Ms. Cave said that the fee is exorbitant and in all her years of business has never encountered this high of a fee. She noted that Shenandoah and Stanley have both agreed to consider reducing their fees and is asking the Luray Town Council to consider the same. She noted that her catering business is not the only one in this position. Ms. Cave added that by the time she pays all three Towns and the County the fees are in excess of \$1500.

Councilman Schiro confirmed the Caves are being charged the itinerant vendor/peddler fee. Councilwoman Pence said that while Ms. Cave's points are valid, we must keep in mind that these type businesses are competition with our brick and mortar businesses.

Mr. Melvin "Buddy" Cave addressed Council wanting business in their town but charging these fees. Councilwoman Pence said that there are great risks when people open a business in town. Mr. Cave asked if the itinerant fee is paid, then are they still charged a fee by the Farmer's Market? He compared the cost of paying the weekly Farmer's Market Fee with the itinerant business license fee. Mr. Cave said that all these fees start adding up and Council should try to encourage these type business due to the lack of restaurants in town. He noted that even if he pays the itinerant fee, he is still charged a fee to come to the July 4th Event. Mr. Cave thanked Council for their time.

Councilman Dofflemyer asked what we charge the vendors that set up and sell furniture. Councilman Schiro recalled that these vendors are what brought about the itinerant/peddler fee. Town Attorney Jason Botkins reviewed the State Code pertaining to itinerant vendors.

Jason Pettit, 111 North Court Street-

Mr. Jason Pettit said that he had not planned to speak on the issue but did have some relevant information to share. He had been researching the concept of a food truck in combination with his existing business Baby Moons. Mr. Pettit said that he has spoken with Mr. Burke, Town Manager, and that he was advised

there would be a separate \$500 licensing fee for the food truck. The restaurant currently pays the business license fee and the meals tax percentage. Mr. Pettit said that due to the growing popularity of food trucks in Harrisonburg, he contacted the city's business license department. He explained that Harrisonburg charges \$500 per year based on the calendar year January 1st to December 31st. He added that if you are a City resident or the truck is an extension of an existing City business then it is based on percentage of sales.

Mr. Pettit recalled that the furniture truck issue was a deterrent to keep outside vendors from competing with existing businesses.

Greg Foltz, Mattie's Soft Serve-

Mr. Foltz felt that the issue had been covered fairly well and said that he did not question the fees last year due to time constraints. Mr. Foltz said that he was in a hurry to get his bus on the road last season and stated that he paid \$1800 in fees to start his business county wide last year. He added that he plans to do more business in Elkton this year, and they charge a \$35 fee plus 7.5% meals tax. Mr. Foltz said that he wants to do more business within the County and in Luray, but is currently working many events. He added that the code states the fee can be "up to" \$500, but the locality could determine a lesser fee.

Town Attorney, Jason Botkins, explained the VA Code definition of itinerant vendor which describes the business period less than one year. Council and Mr. Botkins discussed the town's incorporation of state code as it pertains to the business license categories. Members agreed to look at this issue and the fees at a work session meeting to come up with a solution.

Susan Rocke, Page Valley Arts Council-

Ms. Susan Rocke spoke about the upcoming Festival of the Arts and provided members with a flyer detailing the event. Ms. Rocke thanked the Town for their assistance with the event and noted the dates for the festival are March 23rd-25th. She added that these dates are the beginning of Spring Break for many schools and the town will be hosting many tourists during this time. Partners for the event include the Arts and Artisans Gallery, Performing Arts Luray, Trackside Theater, and the Warehouse Art Gallery. The event will include demonstrations, live performances, and much more. Ms. Rocke hopes that next year the event can be incorporated county-wide and span an entire week.

PRESENTATIONS

Employee Anniversary Recognition

Mayor Presgraves said that the employee recognitions will be held at a later date due to conflicts with this evenings meeting.

Triathlon 2018

Mr. Ken Racine provided Council Members with a handout regarding Luray Triathlon statistics. Mr. Racine also provided members with handmade pottery awards that were given out at this year's race and noted they were made by local artisan Cathie Miranda. Mr. Racine noted last year's reduction in race participation but said this is an industry wide trend. He feels the reduction in participation has hit a plateau and likely will not decrease further. However, Mr. Racine noted that participation in the Swim Fest has seen an increase. He added that resident concerns have been addressed and proactive solutions have been set forth. The 2018 race is scheduled to be a Duathlon and he hopes the change in event will increase participation. This year's event is scheduled for August 18 & 19. Councilman Dofflemyer inquired about the decline in participation. Mr. Racine explained that often racers want to try new events; be it obstacle races, mud runs, iron man races, Spartan runs, etc. He said that often it can be a budgetary issue for the racer, with iron man events costing around \$800 for registration. Mr. Racine noted that this is the 13th annual event for Luray.

Councilman Vickers recalled the installation of camp sites at the Lake. Mr. Racine said that last year was the first official camping at the Lake in terms of adhering to rules and regulations. He said that from a race perspective, participants really like the camping option. Mr. Vickers said that he applauds any efforts to keep the event going. Mr. Racine discussed the total number of registrations for the event and said that it has yet to meet capacity, he explained that the event can host up to 750 participants per day.

Councilwoman Pence asked about race's impact on the town's budget, overtime costs, etc. Mr. Racine responded that there are no services provided by the Town that are not associated with a fee. He explained that the race pays a large fee to the Town and that the amount of work by Pat O'Brien and his team are much appreciated. Mr. Racine said that police and sheriff's fees are covered by charges set forth and agreed upon by the departments. He added that the rescue squad is also given a very healthy donation. Mr. Racine stressed that the goal is to spend as much of the race budget as possible within the locality. Councilwoman Pence inquired about a survey and discussed these events receiving bad press. Mr. Racine explained that a survey is currently in place but may not break out all information Ms. Pence is requesting. He also informed members that the Shenandoah Half Marathon has backed out this year. He said that this event sees about 1,700 runners and likely comes along with a huge deployment cost.

TOWN BOARDS AND COMMISSIONS

Bill Huffman/ Emily Reed, Luray Downtown Initiative

Mr. Bill Huffman, President of LDI, introduced Emily Reed who will be filling in for Ms. Dees. Mr. Huffman noted that Ms. Dees has started her maternity leave and had her baby yesterday. Ms. Emily Reed introduced herself and said that she is an early graduate of Bridgewater College. She has accepted the position while awaiting graduate school acceptance.

ITEMS FOR COUNCIL ACTION

Final Subdivision Plat- Crazy Crow LLC

Town Manager, Steve Burke, presented the action item for the Final Subdivision Plat from Crazy Crow LLC. The subject parcel is lot 42A3-(A)-14 and the owner wishes to subdivide the parcel into two lots. The Planning Commission unanimously approved the request at their meeting and Town staff recommends approval at this time.

Mr. David Reed, Reed and Reed PC, spoke on behalf of his client and noted the 10ft. stormwater drainage easement proffered to the Town.

Motion: Councilman Vickers motioned to approve the Final Subdivision plat from Crazy Crow LLC as presented, motion seconded by Councilman Dofflemyer with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

ANNOUNCEMENTS/ ADJOURN

With no further business, the meeting was adjourned at 7:59 pm.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer