

**MINUTES OF A TOWN COUNCIL WORK SESSION**  
**TOWN OF LURAY, VIRGINIA**  
**Tuesday, May 27, 2014**

The Luray Town Council met in a work session on Tuesday, May 27, 2014 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**  
**Pam Flasch**  
**Mary Menefee**  
**Leroy Lancaster**  
**Joey Sours**  
**John Meaney**

**Also Present:**

**Charlie Hoke, Town Manager**  
**Bryan Chrisman, Assistant Town Manager**  
**Mary Broyles, Town Clerk/Treasurer**  
**Danielle Babb, Deputy Clerk Treasurer**  
**Ligon Webb, Town Planner**  
**Jason Spitler, Town Attorney**  
**Jeff McMillan, Page News and Courier**  
**Jerry Schiro, Council Member-Elect**  
**Mike Uram, TRIAD (arrived late)**

The meeting was called to order by Mayor Barry Presgraves and everyone recited the Pledge of Allegiance to the flag. The roll was called with no members absent.

**Updates and Discussion Items**

**Out of Town Water Taps**

Assistant Town Manager, Bryan Chrisman, presented a request for out of town utilities from Mr. Jim Vaughan who owns property on Creekside Drive. Mr. Chrisman has included an aerial map of the town's utility program that shows the existing lines and hydrants. Mr. Chrisman said that Creekside Drive is located in the County but town utilities are located on the west side of the roadway. Mr. Vaughan is considering the construction of 5-6 homes on his property over the next several years. Mr. Chrisman said this would be a phased development and that he would like for Council to give this some consideration. Mr. Chrisman would like for members to consider whether the concept of allowing this out-of-town connection is suitable and to determine any conditions that would be prudent to the request. One item of consideration is the ownership of the line as it relates to this phased development. The ownership of the line remains in private hands unless the new main is dedicated and accepted by the Town. Ultimately the town is responsible for the connections under Virginia Department of Health regulations. Mr. Chrisman is recommending that at the time of requisition the applicant

dedicate the easement and line to the town. Council members and staff discussed the existing utility lines and capacity located in this area. Mr. Chrisman noted that the developer is only seeking water service and plans for a private sewer system. Councilman Meaney asked if any changes would be needed to the Town Code and Mr. Chrisman responded that none would be needed. Councilwoman Menefee confirmed that all infrastructure costs are indeed the responsibility of the developer. Councilman Lancaster concurred with Mr. Chrisman that obtaining prudent conditions should be included in the declaration of plat upfront. Mr. Chrisman concluded that if all members are on board then he will proceed with discussions with Mr. Vaughan. A formal vote is planned for the June 9<sup>th</sup> regular meeting.

## **Sign Ordinance**

Ligon Webb, Town Planner, noted that he did meet with the Department of Conservation and Recreation recently about the flood plain ordinance. He noted that a lot of citizens have been in the office recently to look at the maps. Basically, the flood insurance program is changing, whereas over the next eighteen months the federal government is no longer going to subsidize flood policies. Therefore, this major change is going to impact folks who are looking to buy property. This is going to result in a much higher cost for these insurance policies. Mr. Webb said that more is to come on this and it may have a major affect throughout the town.

Mr. Webb reviewed the sign ordinance revisions and noted that there are no real substantial changes since the Town Council's last review. However, the ordinance does now include a definition for the term "feather banners" and guidelines for such banners. A few changes were also made to the signs requiring a permit. The feather banners seem to be popping up, so Mr. Webb felt it was important to add this definition. Councilman Sours said that he is not in favor of these banners and feels they are an eyesore. Mr. Webb said the main concern is with them being in poor condition and to limit the number of banners that a business can display. Councilman Lancaster stated that he understands that if a particular type of sign is not in the town's code then it is not permitted. Mr. Chrisman said this was discussed by the Planning Commission and Mr. Lancaster is correct. Councilwoman Flasch suggested that these style banners seem more appropriate for urban areas. Mr. Webb stated that there are conditions that regulate where the feather banners can be used. Mayor Presgraves stated that the town does not want to be too prohibitive when many businesses are competing for the same customer. Council and staff discussed that businesses are limited to two of these style banners.

Councilman Lancaster raised questions regarding flashing signs for time and temperature (Section 801.5-f.). The ordinance says that time and temperature signs are exempt from the ban of flashing signs, but perhaps should not be. Mr. Chrisman explained that these would be a scrolling sign as opposed to flashing. Mr. Webb said that the language of this section could be changed to accommodate this. Councilman Sours suggested striking the language altogether. Council members decided to consider these options. Council and staff also discussed sign lighting and what is appropriate in order not to cause a driving hazard or distraction.

Mr. Webb then reviewed Section 801.6 Exempt Signs; which includes flags, traffic/parking signs, temporary political signs, real estate signs, and auction or land sale signs. He also briefly reviewed section 801.7 Signs Requiring Sign Permit. Section 801.7-f. addresses Sandwich Board signs and the conditions and size for such. Section 801.7-g. also addresses temporary signs for public events and festivals. Mr. Webb also reviewed Section 801.9 (a) regarding Pole Signs and the size regulations and lot frontage associated with these type of signs and section (e) provides size regulations for monument signs.

Mr. Webb explained changes to Section 801.11 – Nonconforming Signs and the general description of such. He noted that upon the discontinuation of business activity upon a lot with nonconforming signs, the owner shall remove the frame and/or structure of the sign within 90 days. However, in lieu of removing a nonconforming sign frame, the zoning administrator may request such signs be covered with an approved covering.

Councilman Lancaster said that he is unhappy with several signs that have been removed whereas the frame is left remaining. He said that there is one such sign in front of the former McKim and Huffman Pharmacy that appears unsafe. Mr. Hoke said that adjustment could be made to require the frame also be removed. Councilman Sours said this may result in a major expense for the business owner if the pole needed to be reinstalled. Mr. Webb suggested a covering that would hide the empty frame and agreed that asking the business owner to remove it entirely may be very costly. Section 801.11 (b.1.) relates to the damage or destruction of nonconforming signs and will be of use to the town in relation to its large billboards.

Overall, Mr. Webb feels it is important to have a clause in the code that allows the applicant to come before the Town Council for appeal. He feels that it is impossible to consider every scenario and that this is a reasonable accommodation. Mr. Webb concluded his review of the changes to the sign ordinance and will complete further revisions and present those in the next council meeting packet.

### **Triad Crime Prevention Program for Seniors**

Town Manager, Charlie Hoke, said that Mike Uram had requested to brief the Town Council on the TRIAD Program. Councilwoman Flasch noted that she attended and it was a great conference. The mission of TRIAD is to “improve the quality of life for our seniors by enhancing their health, safety, and security through communication, education, and outreach”. Mr. Uram is not currently in attendance.

### **Action Items**

#### **Annual Adjusted Entries**

Town Manager, Charlie Hoke, stated that the town’s auditors have requested that members approve the Treasurer’s adjusting entries for the town’s budget ending June 30<sup>th</sup>, 2014. Mr. Hoke noted that the town’s budget is healthy at this time and has not been exceeded; however, some line items require adjustments.

**Motion:** Councilman Sours motioned to authorize the Town Treasurer to make the annual adjusting entries for the fiscal year ending June 30<sup>th</sup>, 2014; Councilman Meaney seconded the motion with the following members voting YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

#### **Ordinance Amendments**

Town Manager, Charlie Hoke, said that the change pertains to Sec.66-33 of the Town’s Code for Yard Sales/Garage Sales. He noted that this came as a result of a request from a business owner who wanted to lease a portion of their property for yard sales. Basically, the request was for a perpetual yard sale at this place of business. Mr. Hoke did not feel this was a very good idea and in his research found that this area of the code needed changes. He noted that rather than having the property identified as the location on the permit, the individual responsible for the yard sale was identified on the permit. This allows multiple persons to conduct sales at the same location resulting in more than the allowed two sales, which inconveniences the adjoining property owners. Mr. Hoke said that he spoke with the Police Department, as they issue the yard sale licenses. Upon speaking with Chief Campbell, he concurred and had already drafted an amended ordinance. Mr. Hoke said that he is presenting the revised ordinance to Council members and staff recommends approval of these revisions.

**Motion:** Councilman Vickers motioned to amend the yard sale/garage sale ordinance as discussed; Councilwoman Flasch seconded the motion with the following members voting YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

## **Town Attorney's Report**

Town Attorney, Jason Spitler, said that he would like to update members on three proposed ordinance amendments and several exhibits. Mr. Spitler said Mr. Hoke has also requested that he address the subject of smoking on the Greenway Trail. Chapter 74, Sections 74-6, 74-9, 74-12, and 74-15 of the Town Code regarding Streets and Sidewalks. Essentially Section 74-6 explains obstructions to these areas, while 74-9 deals with encroachments. Section 74-15 pertains to the cutting of trees on streets or alleys. The revisions clear up some areas regarding alleyways and right-of-ways, and permit the Town Manager to enforce these items. Mr. Spitler said that if council is satisfied with these changes he would accept action on this item.

**Motion:** Councilman Vickers motioned to approve the revisions to Chapter 74, Sections 74-6, 74-9, 74-12, and 74-15 of the Town Code regarding Streets and Sidewalks; Councilwoman Menefee seconded the motion with the following members voting YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney.

### **Approved 6-0**

Mr. Spitler addressed Chapter 74, Section 74-19 of the Town Code regarding Removal of Snow and Ice from Sidewalks. This topic was discussed at the last meeting and minor changes have been included. Mr. Spitler said that language has been clarified to state that "within two hours after any such snow, sleet or ice ceases to fall if any business located on such property is open to the general public" the owner shall promptly remove any snow, ice, etc. He feels it is prudent that if a business owner is open and inviting members into their place of business that the sidewalks be free and clear for its customers. Mr. Spitler suggested that members take some time to review this ordinance revision as it is not a time sensitive issue. Members and staff discussed other considerations such as suitability for various types of business, materials to be used for removal, etc.

Town Attorney, Jason Spitler, has proposed amendments to Chapter 90, Section 90-1 regarding Grass, Weeds, or Other Foreign Growth at the request of the Town Manager. The changes more clearly define what is prohibited and provide more strength for compliance and enforcement. The revisions address the restricted height, charges for clean-up, and the violation for failure to pay for these costs. Mr. Spitler feels these revisions are much more time sensitive. Councilman Sours raised several questions on what is deemed to be a nuisance in terms of grass, weeds, and other. Mr. Spitler said that this area could incorporate further clarification if needed.

Mr. Spitler said that he talked with Mr. Hoke briefly on the topic of smoking on the Greenway Trail. Mr. Hoke requested that Mr. Spitler address the subject and noted that this has been a topic in the past. Several years ago Mr. Spitler had drafted a letter to the former Town Manager in regards to this topic. Mr. Spitler reviewed the letter and his opinion therewith. He stated that the decision is ultimately up to the Luray Town Council, but that his own opinion details both pros and cons regarding the ban of smoking on public property. Mayor Presgraves explained that this would be extremely difficult to enforce. Mr. Spitler agreed and said that this would lead to more problems than it would solve. He noted that he understands the thought process and would likely feel different if this related to an indoor space. Councilman Sours said that the trail area near the Mechanic Street Bridge looks terrible and smells the same. He said that the same offenders are in this area daily and perhaps also the litter laws should be enforced. Councilman Lancaster said that he uses the trail frequently and this has never been an issue for himself. Mr. Lancaster said he feels loitering in the adjacent parking lot is creating more of a problem with the amount of trash that is disposed of there. Councilman Lancaster suggested this lot be patrolled more or even closed at dark. Mr. Chrisman recalled signage that allowed the Police Department to control loitering. Town Manager, Charlie Hoke, stated that he will ask that the signs be displayed and that the enforcement officers patrol this area.

## **TRIAD – Mike Uram**

Mayor Presgraves requested that Mr. Uram present his information. Mr. Uram spoke briefly on the recent TRIAD Conference and provided statistical information for member packets. He highlighted the bar graph portion of his report that displays the aging population for the Town of Luray. He said that the percentage indicated the aging population and it is necessary to understand how we are going to take care of our seniors. He also mentioned the SALT Council and explained that this stands for Seniors and Law Enforcement together and how they can work to report crimes in the community. Mayor Presgraves thanked Mr. Uram for his presentation.

## **Announcements**

Mayor Presgraves presented Assistant Town Manager, Bryan Chrisman, with an award. He said that Mr. Chrisman has been instrumental in the planning of the Main Street Bridge Replacement and has served as interim Town Manger on two occasions. He said that Mr. Chrisman has not been compensated or recognized for such, and that the Luray Town Council has voted unanimously to do just that. Mayor Presgraves stated “sincere appreciation for the exemplary service that Mr. Chrisman has given to his community”. Mr. Chrisman thanked the Mayor and Town Council and expressed his appreciation.

## **Adjourn**

There being no further business, Mayor Presgraves adjourned the work session of the Town Council at approximately 7:10 pm.

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Barry Presgraves  
Mayor

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Danielle P. Babb  
Deputy Clerk-Treasurer