

MINUTES OF A TOWN COUNCIL WORK SESSION
TOWN OF LURAY, VIRGINIA
Tuesday, July 28, 2015

The Luray Town Council met in a work session on Tuesday, July 28, 2015 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: Jerry Dofflemyer
Jerry Schiro
Leroy Lancaster
Joey Sours
John Meaney

Council Absent: Ron Vickers

Also Present:

Charlie Hoke, Town Manager
Bryan Chrisman, Assistant Town Manager
Mary Broyles, Town Clerk-Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Jason Spitler, Town Attorney
Nancy Shifflett, President-Luray Downtown Initiative
Jim Mayes, Art Warehouse
Brian Plum, LDI Task Force
Martha Shickle, NSVRC

A quorum being present, Mayor Presgraves led members in the United States Pledge of Allegiance. The roll was called with one member absent. Mayor Presgraves stated that there would be two amendments to the Agenda, one for a brief Executive Session regarding the evaluation of the Town Manager and the second for Councilman Lancaster to discuss several items.

UPDATES AND DISCUSSION ITEMS

Off-Premises Sign Request

Charlie Hoke, Town Manager, stated that the Council approved the revised Sign Ordinance in March 2015. The revisions to the ordinance removed all off-premises signs. Therefore, Mr. Hoke said that he requested the Code Enforcement officer administer the removal of two off premises signs within the town. Mr. Hoke said he was then contacted by Mr. Jim Mayes, Art Warehouse, requesting consideration for his sign to be “grandfathered” into compliance. Mr. Mayes had received a prior authorization for the off premises sign and has written permission from the property owner to display the signage. Mr. Hoke said that after review, Code Section 801.11 (Nonconforming Signs) allows for a sign that has been previously approved to remain. Therefore, Mr.

Hoke as Zoning Administrator, authorized Mr. Mayes to keep his signs in place until the matter could be brought before Council.

Councilman Lancaster countered that Section 801.11 (Nonconforming Signs) would not override Section 801.5 (Prohibited Signs) due to the off-premises nature of the signs. Councilman Lancaster recalled that when the permission was granted to Mr. Mayes, the business had just opened. He said that at that time there was not as much traffic to the warehouse location and therefore the Council approved the request. Councilman Lancaster said with the renovations at the Depot and relocation of the Chamber of Commerce, there was likely more traffic than ever at Mr. Mayes location. Councilman Lancaster said that the town has done its share to assist Mr. Mayes and the ordinance needs to be enforced.

Mr. Hoke said based on his review and interpretation of the code, he thought the matter warranted Council's consideration. Councilman Schiro said that the determination of Mr. Mayes' request being "grandfathered" is a decision of the Zoning Administrator. He stated that this is not a determination of the Town Council. Councilman Schiro said that he does not understand why these administrative level decisions continue to come before Council. Clearly, Mr. Hoke decided that the signage met the criteria to be "grandfathered" into compliance and if someone is aggrieved by this it should go before the Board of Zoning Appeals and not the Town Council. Mr. Schiro reminded that it is up to the Council to serve as the legislative body, not to enforce these ordinances. He stated that Mr. Hoke has clearly determined the sign allowable and if there is an issue then it should be plead to the Board of Zoning Appeals. Councilman Schiro said that the Council does not have the authority to be the appellate body to the decision of the Zoning Administrator, unless stated by the code. Town Attorney, Jason Spitler, said the Council is always able to go through the ordinance review process and consider future amendments. Mr. Spitler said that Mr. Schiro is correct, that the BZA is the appellate body in this case. The Council can determine if they are in agreement with the town's ordinance or if they want to make amendments.

Councilman Sours suggested that it may be appropriate for the Town Manger to ask for interpretation of the ordinance concerning the intent of the definition of "nonconforming". Councilman Schiro countered that it is not appropriate and if there needs to be an interpretation of the code then it should in fact go to the BZA. If the Council wants to make the terminology more clear, then they can amend the code to make more definitive language if needed. Mr. Spitler said the Council's duties are legislative in nature and not executive or judicial. Mr. Hoke said that he will take this under advisement and move forward on the issue. Mr. Spitler also explained that the issue of nonconformity should reflect that the sign complied prior to ordinance amendments but with revisions is now non-compliant. Councilman Lancaster said that the revisions are not much different than the prior ordinance. Mayor Presgraves instructed Mr. Hoke to meet with Mr. Mayes and advise him of the needed processes.

Compensation Study

Mr. Hoke said that the Council instructed staff to request a Proposal for a Compensation Study. The deadline for proposals was July 15th, 2015 with two submittals received. The first from Condrey & Associates, Inc. at a fee of \$31,500 and the second proposal from Springsted Incorporated at a fee of \$6,000 with expenses not to exceed \$900. Springsted Incorporated performed the study conducted by the town in 2001. Mayor Presgraves asked how the bids were advertised. Mr. Chrisman said the request for proposals were sent by direct submittal to six different compensation study firms. Councilman Schiro asked if the scope of work was the same for both considering the spread between the two submittals. Mr. Chrisman said that Springsted did advise that a

classification study may be warranted, but this would come at an additional cost. Overall, he said the two submittals seem to be comparable. Mr. Hoke said that both firms estimate a four month time frame; Springsted is able to begin the study immediately with Condrey able to begin in September 2015. Mayor Presgraves said he would prefer the study begin as soon as possible.

Motion: Councilman Sours motioned to accept the proposal from Springsted at a cost of \$6900 as discussed, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Schiro, Lancaster, Sours, Meaney. ABSTAIN: Dofflemyer. **Approved 4-0**

Councilman Sours suggested checking with VML to see if there is a standard cost for these type of services or for other cost estimates solicited by the town.

DHCD Planning Grant

Assistant Town Manager, Bryan Chrisman, said that Council's packet includes a staff report and a description of the grant and sample application from Martha Shickle of NSVRC. The grant is essentially to encourage planning for business revitalization and entrepreneurship in the community. NSVRC is currently assisting Edinburg and Front Royal with planning grant monies. A group of volunteers have already surveyed the area that he hopes will be qualified for the application. The grants are set up in a two-step process; the planning grants and the implementation grants. Mr. Chrisman explained that if the planning grant component is completed first it will increase the town's chances of receiving the implementation grant monies. Mr. Chrisman said the efforts are definitely worthwhile and will be with the help of NSVRC. The town must be the applicant for the grants and the commission is committing staff time to assist and up to \$5,000 toward the project. Ms. Martha Shickle, NSVRC, said that while it is late in the process for planning grants to be awarded during the calendar year, the commission is committed to assisting the town in whatever support is necessary. Mr. Chrisman is asking for Council's support to apply for the planning grant.

Motion: Councilman Schiro motioned to support the application for the Planning Grant as presented, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 5-0**

Luray Downtown Initiative – Nancy Shifflett

Ms. Nancy Shifflett, LDI President, discussed a different grant opportunity with DHCD. On July 17th, LDI representatives were informed that they were eligible to apply for a grant with DHCD. LDI would be the applicant for the grant but the beneficiary would be the downtown area. The projects identified would be a hotel feasibility study, open house for downtown vacancies, and renovation of the Brown's building and Mick or Mack building. The proposal for renovations to the Brown's building would bring down the cost of rehabilitation attracting potential investors. LDI and members of the task force are requesting the town council's support in principle to agree to include the Brown's building in the downtown investment grant application. The support requested is not a commitment to proceed with renovations, but rather a commitment to consider a viable option if identified. The grant would not cover the renovations themselves but would cover up front costs to develop a viable option and finalize investor involvement. LDI has been encouraged by Virginia Main Street to pursue this project as a part of the grant. The application process must be complete within the next 30 days, therefore Ms. Shifflett is seeking council's approval this evening.

Mr. Brian Plum, LDI Board Member, expanded on Ms. Shifflett's presentation. He advised that the task force is in favor of informing investors what may be available to them in the form of federal rehabilitation and historic tax credits in order to make rehabilitation a more viable option. He discussed the option of an "Open House" event to pull together resources such as the SBA, DHR, and financing sources to reach visitors, investors, and property owners alike. This type of event would be funded by grant monies and would showcase the economic viability of some of these buildings.

Motion: Councilman Dofflemyer motioned to approve the request from LDI for the grant application proposal as discussed, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 5-0**

Comprehensive Plan Update Request

Bryan Chrisman, Assistant Town Manager, recalled that the town recently completed its Comprehensive Plan update. Mr. Chrisman said that he has learned that communities who have language within their Comprehensive Plan regarding the authorization of Urban Development Areas are more likely to score higher for the award of statewide transportation dollars. Mr. Chrisman is requesting to conduct some mid-cycle revisions to include the designation of the entire town as an Urban Development Area. Currently, the town is surrounded by a few UDA's within the County that immediately surround Luray's corporate limits, but the Town itself is not a UDA. Also, the review would allow for any other additions or changes to be made to the plan. Currently the Comprehensive Plan only vaguely mentions transportation issues, but Mr. Chrisman would recommend that it specifically reference the town's Transportation Plan.

He noted that the Town Planner and Planning Commission will be critical to the revision process. A public hearing will also need to be held and potentially a question and answer survey.

Motion: Councilman Schiro motioned to authorize staff to proceed with a mid-cycle Comprehensive Plan Update as discussed, motion seconded by Councilman Dofflemyer with the vote as follows: YEA: Council Members Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 5-0**

Councilman Lancaster

Councilman Lancaster discussed properties in town that are not being mowed. Mr. Lancaster said that the code refers to a ten inch maximum height for grass, weeds, or other growth on the premises. Councilman Lancaster identified specific properties that are in violation of the town code. He said that this presents a problem for neighboring properties as well. Councilman Lancaster suggested that if our goal is to "Keep Luray Beautiful", these areas are an example of what we don't want Luray to look like.

Councilman Lancaster also discussed citizens throwing grass in the streets and the safety hazard that this presents to motorists and pedestrians. Mr. Hoke said that he will ask code enforcement to address this if they observe this taking place.

EXECUTIVE SESSION

Personnel, Section 2.2-3711.A.1

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing matters relevant to Section 2.2-3711.A.1.

Motion: Councilman Lancaster motioned to recess the regular session and to convene in executive session; Councilman Sours seconded the motion with the following members voting YEA: Council Members Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 5-0**

Motion: Councilman Sours motioned to adjourn the closed session and to reconvene in open session; Councilman Lancaster seconded the motion with the following members voting YEA: Council Members Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 5-0**

Mayor Presgraves asked members of Council to certify that to the best of their knowledge only matters covered under Section 2.2-3711.A.1 were heard, discussed, or considered during the closed session. **The roll was called with all members certifying "Yes".**

Adjourn

With no further business, Mayor Presgraves adjourned the work session of the Luray Town Council at approximately 6:50 p.m.

Mayor, Barry Presgraves

Deputy Clerk, Danielle Babb