

**WORK SESSION OF
THE TOWN COUNCIL
OF
THE TOWN OF LURAY, VIRGINIA**

Tuesday, January 24, 2023

The Luray Town Council met in a work session on Tuesday, January 24, 2023, 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 Jerry Dofflemyer

Council Present:

Ron Vickers
Stephanie Lillard
Alex White
Jason Pettit
Joseph Sours
Ligon Webb

Also Present:

Steve Burke, Town Manager
Bryan Chrisman, Assistant Town Manager
Danielle Babb, Clerk- Treasurer
Danielle Alger, Deputy Clerk- Assistant Treasurer
Chief of Police, Carl “Bow” Cook, Luray Police Department

(This meeting was made public via the Town’s Facebook page.)

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. Councilman Sours led everyone in the United States Pledge of Allegiance.

ROLL CALL

The roll was called with all members present.

Councilman Pettit made a motion to move the closed session to the end of the meeting. Councilman Vickers seconded the motion with the vote as follows: YEA: Council Members Vickers, Lillard, White, Pettit, Sours, Webb. **Approved 6-0**

UPDATES & DISCUSSION ITEMS

Special Event Permit – Fall Foliage 5k

Town Manager, Steve Burke, discussed a Special Event Permit Application for a 5K run and walk in the memory of Bronson Porter submitted by the REC Center and Man Talk 101 Inc. The event would be conducted on Saturday, October 21st from 8am until 1 pm along the Hawksbill Greenway with use of the Mechanic Street Parking Lot. The applicants have conducted similar events in Town in the past.

Council Members were in agreement as long as no prior functions or activities are being held that day.

SUP 22-14 – 233 Mimslyn Inn

Town Manager, Steve Burke, presented a request to discuss a Special Use Permit to operate a Bed & Breakfast Home at 233 Mimslyn Lane (Tax Map No. 42A10-A-108) in the Medium Density Residential (R-2) District from 124 Court St LLC.

A Bed & Breakfast Home is defined as a single-family dwelling where for compensation lodging and breakfast are provided to registered transient guests only. Meals may be provided to the residents in a central location; however, no provisions shall be made for cooking in individual rooms or units. The maximum number of guests shall be two per bedroom with on-site parking for all guests. On-site management shall be provided though through the Mimslyn Inn.

Staff recommend the following conditions be considered:

- 1) Guest stay shall not exceed fourteen (14) days;
- 2) Occupancy of no more than six (6) guests at any one time;
- 3) Off-street parking is required for all guest vehicles;
- 4) One identification sign can be permitted on the property not exceeding four square feet on either side;
- 5) Meals if provided shall be served to only guests renting bedrooms in the dwelling; and
- 6) Obtain Town Business License; Transient occupancy tax and meals tax must be collected and remitted to the Town.
- 7) Special Use Permit shall not transfer upon sale of property or membership interest composition of the holding company.

The Planning Commission conducted a Public Hearing at their January 11th meeting and unanimously recommended approval of the SUP.

Councilman Sours mentioned that Council needs to get a plan in place on how to proceed with the number of short-term rentals and see what would be enforceable. Councilman Pettit stated that a Bed & Breakfast home for the Mimslyn at this property makes sense, since it owns one side of the property and the County owning the other side of the property.

Code Amendment – Chap 58-5 – Loud, Disturbing, & Unreasonable Noise

Town Manager, Steve Burke, discussed the Code Amendment to establish Chapter 518 Commercial Vehicles in Residential Zones parking restrictions to the Planning Commission to address a noise complaint involving overnight operation of a tractor trailer. The Town Police Department had recently received complaints about a tractor truck being parked in a residential driveway and operating routinely to charge its batteries.

The Town Attorney and staff have developed a Code Amendment to Section D of Chapter 58- 5 – Loud, Disturbing, and Unreasonable Noise to specifically include noise related to vehicles. The Town Attorney has also taken the opportunity to update the Chapter to be consistent with current enabling legislation and enforcement requirements.

Police Chief, Bow Cook, stated that without the update on the Code Amendment, it would be harder to enforce citizen complaints. Councilman Pettit mentioned that he liked the direction of the amendment to point out the noise and not specifically the truck itself.

NSVRC Curbside Recycling Grant

Steve Burke, Town Manager, asked Council to discuss a request for a letter of support from the Town from the Northern Shenandoah Valley Regional Commission for their application to the EPA for a grant from the Solid Waste Infrastructure for Recycling (SWIFR) Grant Program. The Grant Application will include funding requests to support the NSVRC's development of a regional search for single-stream, curbside recycling services for the Shenandoah Valley. The NSVRC would propose to solicit bids for service that localities could elect to accept, and award should the service and funding meet the community's needs.

The Grant Application would also include funding requests for the purchase of collection bins/carts for each community.

The NSVRC has identified that several localities in the Shenandoah Valley have had to cease curbside collection due to cost of service, availability of local haulers, and availability of recycling facilities.

The NSVRC hope that by collectively seeking service, one or several existing providers may consider service to the Shenandoah Valley.

As the letter of support is non-binding to the Town, staff seek consensus of Council for the Mayor to sign and submit the letter of support.

Councilman Vickers stated that he is in favor of the Mayor signing and submitting the letter. Councilman Pettit inquired about the cost of the program to participate. Councilman Vickers stated that the grant would offset the startup fees. Mr. Burke added that the collection would be similar to how Waste Management collects, and residents would receive a 64 gallon roller to put their recyclables in. Councilman White stated that it will encourage people to recycle again.

Short-Term Rentals

Steve Burke, Town Manager, requested to discuss issues and concerns about short-term rental properties in the Town. Based upon the Treasurer's records and recent SUP approvals, there are a total of forty-one (41) short-term rental properties in the Town comprised of seven (7) hotels, five (5) Bed & Breakfast Homes, and twenty-nine (29) Lodging Houses.

Discussion with the Town Attorney indicates that it is debatable whether limitations on STRs by number or percentage would be enforceable. The Town Attorney suggested that the Town could monitor the number of SUP approvals and establish a moratorium by amending the zoning ordinance to remove STRs as a use permitted by SUP in saturated zoning districts. Existing STRs would be grandfathered for the life of their SUP.

Options available to the Town for further investigation include:

- Establishing a registry for STRs with a fee established by Council as provided by Va. Code 15.2-983. Failure to register would prevent the STR from operating until it is properly registered and result in a fine of up to \$500 per violation.
- Require a minimum number of days of occupancy by the property owner during each calendar year to limit the number of days available for STR
- Establish that short-term renters must be at least eighteen (18) years of age through SUP.
- Require all STR structures to include smoke detectors, carbon monoxide detectors, and fire extinguishers compliant with the current edition of the Virginia Uniform Statewide Building Code through SUP.
- Require all STR structures to obtain a new Certificate of Occupancy through SUP.
- Establish a maximum number of days each STR may be rented during each calendar year through SUP.
- Require STR operator to not advertise or rent dwelling for any use that is prohibited by Code or law through SUP.

Councilman Pettit stated that his biggest concern is the local citizens having less options for long term rentals due to the short-term rental market. Councilwoman Lillard stated that she is not fully on board with assessing a fee since the Town already collects a business license. She added that she wouldn't want to limit investment opportunities due to it generating revenue for the town. Councilman White stated that in his research other localities have adopted ordinances such as stronger septic, parking requirements, and other rules. He added that he will send council members a few samples from the research that he has gathered. Councilman Pettit said he feels that Short Term Rentals should be in the

B1 district. He feels that properties that have been rentals and ownership has changed, may have to be looked at differently.

EXECUTIVE SESSION

Consultation with Legal Counsel & Potential Disposition of Real Property : Section 2.2-3711 (A)(8) and (3) of the Code of Virginia

Mayor Dofflemyer requested a motion to adjourn into Executive Session for the purpose of consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by our attorney, as authorized by Section 2.2-3711 (A)(8) and (3) of the state code. **Motion:** Councilman Vickers motioned to convene and go into Close Meeting for the purpose of consultation with legal counsel regarding specific legal matters requiring the provision of legal advice; and for discussion of the potential disposition of publicly-held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Town, as authorized by Section 2.2-3711 (A)(8) and (3) of the Code of Virginia. The subject matters are the potential legal obligations of conditional gift to the Town and the potential grant of a license in public property. Councilwoman Lillard seconded the motion with the following members voting: YEA: Council Members Vickers, Lillard, White, Pettit, Sours, Webb. **Approved 6-0**

~Closed Meeting~

Motion: Councilman Vickers motioned the closed meeting be adjourned and the Luray Town Council reconvene in open session. Councilwoman Lillard seconded the motion with the following members voting YEA: Council Members Vickers, Lillard, White, Pettit, Sours, Webb. **Approved 6-0**

Certification: Mayor Dofflemyer asked members of Council to certify that to the best of each members knowledge, only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting by the Town Council. **Motion:** Councilman Vickers motioned to certify the closed session; Councilman Sours seconded the motion with the following members voting YEA: Mayor Dofflemyer, Council Members Vickers, Lillard, White, Pettit, Sours, Webb. **Approved 6-0**

ANNOUNCEMENTS

Mayor Dofflemyer reminded everyone of the Council Retreat that will be held on February 11th at 10am at the Mimslyn Inn. Mayor Dofflemyer also stated that the re-opening of Fairview Grocery will be held on February 9th at 10am and Lois Shaffer with Page One's retirement party will be held at the Mimslyn on Saturday, January 28th from 1-3pm.

ADJOURN

With no further business, the meeting was adjourned at 7:11 p.m.

Jerry Dofflemyer
Mayor

Danielle N. Alger
Deputy Town Clerk