

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

Tuesday, July 25, 2023

The Luray Town Council met in a work session on Tuesday, July 25, 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
Danielle Babb, Clerk- Treasurer
Danielle Alger, Deputy Clerk-Treasurer
Joey Haddock, WTP Superintendent
Chief Carl Cook, Luray Police Department
Patrick Embry, Valley Automation

(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 White led everyone in the United States Pledge of Allegiance.

ROLL CALL

The roll was called with all members present.

UPDATES & DISCUSSION ITEMS

SUP 23-13 – 111 Baker Drive

Town Manager, Steve Burke, requested Council discuss a request for a Special Use Permit to operate a Lodging House at 111 Baker Drive (Tax Map No. 42A17-1-197) in the Planned Neighborhood Development (PND) Zoning District from Ashish Ravindran and Neethu Vallabhan.

A Lodging House is commonly defined as a residential building, other than a hotel, motel, or bed-and-breakfast home, where lodging is provided for compensation on a regular basis, pursuant to previous arrangements, but which is not open to the public or transient guests, for no longer than thirty (30) consecutive days. 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.

In addition to the requirements of Town Code Section 518 – Lodging House Regulations, staff recommend the following conditions be considered:

- 1) Guest stay shall not exceed fourteen (14) day;
- 2) Special Use Permit shall not transfer upon sale of property or membership interest composition of the holding company.

The Planning Commission unanimously recommended approval of the request with conditions cited at their July 12th meeting.

SUP 23-14 – 172 College Drive

Town Manager, Steve Burke, requested Council discuss a request to operate a Lodging House at 172 College Drive (Tax Map No. 42A17-2-16) in the Planned Neighborhood Development (PND) Zoning District from Vineela Kambhampati.

A Lodging House is commonly defined as a residential building, other than a hotel, motel or bed-and-breakfast home, where lodging is provided for compensation on a regular basis, pursuant to previous arrangements, but which is not open to the public or transient guests, for no longer than thirty (30) consecutive days. 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.

In addition to the requirements of Town Code Section 518 – Lodging House Regulations, staff recommend the following conditions be considered:

- 1) Guest stay shall not exceed fourteen (14) day;
- 2) Special Use Permit shall not transfer upon sale of property or membership interest composition of the holding company.

The Planning Commission unanimously recommended approval with conditions cited at their July 12th meeting.

SUP 23-15 – 201 East Main Street

Town Manager, Steve Burke, requested Council discuss a request for a Special Use Permit to operate a Childcare Facility at 201 East Main Street (Tax Map No. 42A11-A-57) in the Business (B-1) Zoning District from Every Child Early Learning Center Inc.

Pre-school and childcare facilities are required to obtain a Special Use Permit per Town Code 406.2.i. Town codes defines a childcare facility as “A building or structure, however designated, other than public school facilities operated for the purposes or providing care, guidance, education or training, or any part thereof, to any child five years old or younger during only part of the 24-hour day for more than five children not of common parentage. Such facilities shall meet all applicable regulations of the department of social services, the department of health, and the state and local building codes. Such facilities shall meet the requirements of section 506.9” Appendix A – Zoning; Article V – Supplementary Regulations; Section 506.9 establishes parking requirements for public or private nursery, day care, kindergarten, elementary, intermediate or high schools, there shall be provided one parking space for each teacher, employee, or administrator, whether full or part time, whose activities are conducted between the hours of 8:00 a.m. and 4:0 p.m. in addition to the requirements of the auditoriums. The site does not comply with this requirement.

The applicant conducted a tour of the facilities with the Planning Commission and has provided supplemental information about the operations of the facility.

The Planning Commission unanimously recommended approval of the request at their July 12th Meeting.

In addition to the requirements of Town Code Section 506.9, staff recommend the following condition be considered:

- 1) Special Use Permit shall not transfer upon sale of property or membership interest composition of the holding company.

Council members cited that the Planning Commission has approved the SUP even though the site does not comply with the required on-site parking.

BZA Renewal

Town Manager, Steve Burke, requested Council discuss the recommendation to reappoint Michael Swenson and Rose Ann Smythe to the Board of Zoning Appeals. Both members terms expired June 30, 2023. By statute, both may continue to serve until they are reappointed, or a successor is appointed and qualifies.

Staff has notified both members by email to confirm that they desire to continue serving. Councilman Webb spoke with Mr. Swenson by text, and he is still interested in serving on the BZA.

Code Amendment Chapter 70 – Solid Waste

Mr. Burke requested Council discuss the draft Code Amendment to Chapter 70 – Solid Waste to enact Section 58-22 and to enact a new Chapter 70.

Section 58-22 – Dumping Trash incorporates unlawful dumping of trash into Chapter 58 – Offenses and Miscellaneous Provisions to establish the definition of the activity and the potential punishment for conviction.

Chapter 70 will be updated to comply with the Town’s current solid waste practices and policies.

The Town Attorney has determined that a Public Hearing is not required for Council’s consideration of the Code Amendment.

Councilman Vickers inquired if this amendment was complaint driven. Mr. Burke stated that this is merely to clarify town code.

WTP SCADA Award

Town Manager, Steve Burke, requested Council discuss the bid results from the RFP for WTP SCADA Upgrades. The bids were opened on Tuesday, July 11, 2023 with the following results:

- Instrulogic, Winchester VA - \$130,553.00
- Valley Automation, Luray VA -- \$93,531.90
- Dorsett Control, Yadkinville NC -- \$190,495.57
- Lord & Co, Inc., Fort Mill SC -- \$157,797.00

The bid from Valley Automation has been reviewed and determined to be the lowest responsive bid. During the process, a portion of the proposed work involving the software programming and hardware coordination was determined to be only provided by the WTP control sole source provider, Pall Corporation. The amount for this work is \$150,890.00. Funding for the project is comprised of \$105,000 from ARPA and the remainder from the General Obligation Bond.

Councilman Members discussed if Pall Corporation would relinquish the password and if any legal battles would occur. Patrick Embry with Valley Automation believes that this is not something that the Town should be concerned about and stated that he already has the password.

ARPA – Utility Projects

Mr. Burke requested Council discuss the possible funding of utility projects included in the FY 23-24 Budget and identified as requiring financing through the Town’s ARPA Allocation. Projects include:

- Terrace Lane – Replace waterline & sanitary sewer main - \$50,000

- Stover St/Rosser Dr – Replace waterline & sanitary sewer main - \$70,000
- Cave Hill Road Force Main Design - \$25,000

Council members discussed these requests and are in favor of allocating ARPA funds for these projects. Councilman Vickers mentioned revisiting the pickle ball courts. Councilman Pettit stated that he wouldn't mind revisiting that as well as reaching out to the donors and see if they would still be interested. Town Treasurer, Danielle Babb, stated that originally \$165,000 from ARPA funding was the amount considered towards the court project.

Derelict & Blighted Buildings

Town Manager, Steve Burke, requested Council discuss 57 West Main Street as the first property to pursue efforts associated with Town Code Chapter 26 – Buildings & Building Regulations for blighted properties and derelict buildings.

The structure has been vacant for over ten years, and the Town water has been disconnected for an equal time. The building has been broken into several times over the past five years associated with drug use. The rear of the building is now overgrown with vegetation. In addition, a portion of the roof on the southeast side of the building has deteriorated with bricks dislodging. Based upon these issues, the property qualifies under the “Blighted Property” portion of the Code. The Town Attorney is reviewing if the “Derelict Building” portion of the Code applies.

Councilman White inquired if the County Building Officials office have inspected or determined if this property was fit for use. Mr. Burke stated that he will contact the county office and let Council know the determination.

CLOSED SESSION

2.2-3711(A)(8) – Consultation with Legal Counsel

Town Council conducted a Closed Meeting for the purpose of consultation with legal counsel regarding specific legal matters requiring the provision of legal advice, as authorized by Section 2.2-3711(A)(8) of the Code of Virginia.

Motion: Councilman Pettit motioned to convene and go into Closed Meeting; Councilwoman Lillard seconded the motion with the following members voting YEA: Council Members Vickers, Lillard, White, 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 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 Pettit motioned to certify the closed session; Councilwoman Lillard seconded the motion with the following members voting YEA: Mayor Dofflemyer, Council Members Vickers, Lillard, White, Pettit, Sours, Webb.

ADJOURN

With no further business, the meeting was adjourned at 8:00p.m.

Jerry Dofflemyer
Mayor

Danielle N. Alger
Deputy Town Clerk