

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

Monday, August 14, 2023

The Luray Town Council met in regular session on Monday, August 14, 2023, 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 Jerry Dofflemyer

Council Present:

Ron Vickers
Stephanie Lillard
Jason Pettit
Joseph Sours
Ligon Webb

Absent:

Alex White

Also Present:

Steve Burke, Town Manager
Bryan Chrisman, Assistant Town Manager
Danielle Babb, Clerk Treasurer
Danielle Alger, Deputy Clerk Treasurer
Chief Bow Cook, Luray Police Department
Jason Botkins, Litten & Sipe
Jackie Elliott, Luray Downtown Initiative
Paula Kibler, Luray Downtown Initiative
Jenna Smith, Every Child Early Learning Center
Michelle Walters, 58 N Broad Street
Tyler Austin, Racey Engineering
Margaret Stevenson, Hawksbill Greenway Foundation
Jim Davis, Hawksbill Greenway Foundation
Gladys McNemar, Hawksbill Greenway Foundation
Rod Graves, Hawksbill Greenway Foundation

(This meeting was made public via the Town's Facebook page. Public comments were accepted prior to the meeting via e-mail to sburke@townofluray.com).

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 Webb led everyone in the United States Pledge of Allegiance. The roll was then called with one member absent.

ADDITIONS OR DELETIONS FROM THE AGENDA

Motion: Councilwoman Lillard motioned to add Agenda Items I & J to discuss Transient Occupancy Tax and the Facility Use Policy, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Lillard, Pettit, Sours, Webb. **Approved 5-0**

CONSENT AGENDA

Motion: Councilman Vickers motioned to approve the Consent Agenda as presented, motion seconded by Councilwoman Lillard with the vote as follows: YEA: Council Members Vickers, Lillard, Pettit, Sours, Webb. **Approved 5-0**

Consent Agenda

(A) Minutes of the Regular Council Meeting –07/10/2023

(B) Minutes of the Work Session- 07/25/2023

(C) Accounts Payable checks totaling- \$ 339,193.03.

PRESENTATIONS

Hawksbill Greenway Foundation

Jim Davis with the Hawksbill Greenway Foundation introduced Gladys McNemar, Rod Graves and Tyler Austin to update Council on the Greenway extension project. Ms. McNemar presented Council with an update on the Foundation's finances and informed Council that the Foundation can now accept online donations. Tyler Austin with Racey Engineering updated Council on the design and permitting efforts thus far on the extension. The final design effort will include further refinement of the budget, quantifying the environmental impacts, and ascertaining the historic resource's locations. Rod Graves requested Council consider approval of the final design effort which will cost \$262,000 with the Foundation funding half. Mayor Dofflemyer requested that Council and the Foundation meet at Yagers Spring on Tuesday, August 22nd to discuss the project.

Luray Downtown Initiative

Program Director, Jackie Elliott, stated that Luray was identified in the Far & Wide Travel Magazine and was listed in the Top 100 Small Towns. Ms. Elliott updated Council on the Sunflower Festival preparations and has had lots of vendor response. Ms. Elliott also stated that Rev Up is scheduled for September 14th. Ms. Elliott added that they are awaiting the final report for the Transformations Strategies and gave a shout out to the Luray Police Department for the National Night out.

PUBLIC HEARINGS

SUP 23-13 – 111 Baker Drive

Mr. Burke requested Council to conduct a public hearing to receive citizen input and to consider the 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) Guests stay shall not exceed fourteen (14) days;
- 2) Special Use Permit shall not transfer upon sale of property or membership interest composition of the holding company.

The Planning Commission unanimously recommend approval of the application at their July 12, 2023 meeting.

Mayor Dofflemyer opened the hearing for discussion and with no one in attendance to speak, he closed the hearing.

Motion: Councilman Vickers motioned to approve the 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 with the conditions as presented. Motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Lillard, Pettit, Sours, Webb.

Approved 5-0

SUP 23-14 – 172 College Drive

Mr. Burke requested Council to conduct a Public Hearing to receive citizen input and to consider a request for a Special Use Permit 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) days;
- 2) 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 and unanimously recommended approval of the Special Use Permit at their July 12th meeting.

Mayor Dofflemyer opened the hearing for discussion and with no one in attendance to speak, he closed the hearing.

Motion: Councilman Sours motioned to approve the Special Use Permit 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 with the conditions as presented. Motion seconded by Councilwoman Lillard with the vote as follows: YEA: Council Members Vickers, Lillard, Pettit, Sours, Webb. **Approved 5-0**

SUP 23-15 – 201 East Main Street

Mr. Burke requested Council conduct a Public Hearing to receive citizen input and to consider 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 Code 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 509.9 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 4:00 p.m. in addition to the requirements of the auditoriums.

The Planning Commission unanimously recommended approval of the application at their July 12, 2023 meeting, despite the inability to meet the required parking.

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

- 1) Special Use Permit shall not transfer upon sale of the property, business, or membership interest composition of the holding company.
- 2) State licensing for a daycare be issued by the Department of Education.

Mayor Dofflemyer opened the hearing for discussion. Jennifer Smith with the Every Child Early Learning Center updated Council on the efforts to improve the Church for the daycare facility. Citizen, Michelle Walters

at 58 N Broad Street expressed concerns about the proposed sick unit at the daycare as well as parking concerns. Mayor Dofflemeyer closed the Public Hearing.

Council expressed concerns about parking requirements along with concern about the increased traffic from the alley and potentially causing a two-way traffic conflict. Council also discussed concern about bus delivery and drop off at the front of the building on East Main Street. Council inquired about written agreements for off-site parking. Council members also expressed concerns about stacking of traffic on Deford Avenue and exiting onto Williams Street.

Councilman Sours motioned to deny the 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 due to noncompliance with the required parking established in Section 506.9 of the Zoning Supplemental Regulations. Motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Lillard, Pettit, Sours. NAY: Councilman Webb **Approved 4-1**

ACTION & DISCUSSION ITEMS

Board of Zoning Appeals Recommendation

Mr. Burke requested Council consider the recommendation of appointment to the Circuit Court for the Board of Zoning Appeals to reappoint Michael Swenson and Rose Ann Smythe for terms expiring June 30, 2028.

Motion: Councilman Webb motioned to recommend reappointment of Michael Swenson and Rose Ann Smythe to the Town's Board of Zoning Appeals to the Page County Circuit Court both terms expiring June 30, 2028. Motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Lillard, Pettit, Sours, Webb. **Approved 5-0**

Tree & Beautification Committee Recommendation

Mr. Burke requested Council consider the appointment to the Tree & Beautification Committee to fill the unexpired term of Carol Angier whose term expires December 31, 2026.

Motion: Councilwoman Lillard motioned to appoint Susan Betcher to the Tree & Beautification Committee whose terms expire December 31, 2026. Motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Lillard, Pettit, Sours, Webb. **Approved 5-0**

Cell Phone Donation – Todd Kellison

Mr. Burke requested Council consider the donation of the Town cell phone used by Todd Kellison, our former Wastewater Treatment Plant Superintendent, to his family. The phone has a replacement value of \$399.00.

Motion: Councilman Vickers motioned to approve the donation of the cell phone issued to Todd Kellison to his family as presented. Motion seconded by Councilman Pettit with the vote as follows: YEA: Council Members Vickers, Lillard, Pettit, Sours, Webb. **Approved 5-0**

Code Amendment Chapter 70 – Solid Waste

Mr. Burke requested Council consider adoption of 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 water practices and policies.

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

Motion: Councilwoman Lillard motioned Council adopt and enact Section 58-22 and Chapter 70 – Solid Waste as presented to become effective upon adoption. Motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Lillard, Pettit, Sours, Webb.

Approved 5-0

Tech Zone Support Letter

Mr. Burke requested Council consider approval and authorization of the submission of a letter of support for James Madison University to pursue a Technology and Innovation Hub (Tech Hub) designation through the Department of Commerce Economic Development Administration to benefit the great Shenandoah Valley region.

Motion: Councilwoman Lillard motioned to approve and authorize the Mayor to send a letter of support for James Madison University to pursue a Technology and Innovation Hub designation through the Department of Commerce Economic Development Administration as presented. Motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Lillard, Pettit, Sours, Webb.

Approved 5-0

WTP SCADA Award

Mr. Burke requested to consider the bid award for the RFP for WTP SCADA Upgrades. The bids were opened on Tuesday July 11, 2023 with the following results:

- Instrullogic, 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

The bid from Valley Automation has been reviewed and determined to be the lowest responsive bid.

During the bid 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.

Motion: Councilman Sours motioned to award the WTP SCADA contract to Valley Automation, Inc. in an amount not to exceed \$95,531.90 as presented. Motion seconded by Councilwoman Lillard with the vote as follows: YEA: Council Members Vickers, Lillard, Pettit, Sours, Webb. **Approved 5-0**

WTP SCADA Sole Source Award

Mr. Burke requested to consider the sole source award for the WTP SCADA Upgrades determined to be provided by the WTP treatment equipment, Pall Water.

During the bid 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 Water. 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.

The Town is required to post notice of the Sole Source Award once approved by Town Council on our website.

Motion: Councilman Vickers motioned to award the sole source WTP SCADA contract to Pall Water in an amount not exceed \$150,890.00 as presented. Motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Lillard, Pettit, Sours, Webb. **Approved 5-0**

ARPA- Utility Projects

Mr. Burke requested Council approve and authorize 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

Motion: Councilman Pettit motioned to approve and authorize the use of \$145,000.00 of Town ARPA Funds for the Terrace Lane, Stover Street, Rosser Drive waterline and sanitary sewer main replacement projects and the Cave Hill Road Force Main Design project as presented. Motion seconded by Councilwoman Lillard with the vote as follows: YEA: Council Members Vickers, Lillard, Pettit, Sours, Webb. **Approved 5-0**

Transient Occupancy Tax

Council discussed the Page County Transient Occupancy Tax allocations from FY 22, FY 23, and FY 24. Staff agreed to request the County pay the FY22 funding with no direct ties to the website.

Facility Use Policy

Council discussed the status of the Facility Use Policy. Staff indicated that no progress has occurred. Council requested staff develop an update in the next week.

TOWN ATTORNEY

Mr. Botkins said he had nothing further this evening.

COUNCIL COMMENTS

Councilman Vickers invited Council Members to attend the VML Conference in October. Mr. Vickers also requested Council to consider hosting a booth at the VML Conference.

MAYOR'S ANNOUNCEMENTS

Mayor Dofflemyer confirmed that attendance at the VML Conference was a valuable educational effort for Council and invited Council to the Work Session at Yagers Spring on Tuesday, August 22, 2023.

ADJOURN

With no further business, the meeting was adjourned at 8:35pm.

Jerry Dofflemyer
Mayor

Danielle Alger
Deputy Clerk-Treasurer