

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

**Monday, September 11<sup>th</sup>, 2023**

The Luray Town Council met in regular session on Monday, September 11, 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  
Alex White  
Jason Pettit  
Joey Sours  
Ligon Webb

**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, LDI Board President  
Tim Rocke, Luray Ruritans  
Josephine Saunders, 9 Hawksbill Heights Drive, Luray  
Melanie Connor, 4042 Pine Grove Road, Stanley  
Leah Scarborough, Every Child Early Learning Center Supporter  
Randy Arrington, Page Valley News  
Brittany Pettit, 288 Balkamore Hill Road, Stanley  
Jenna Smith, Every Child Early Learning Center, SUP applicant  
Courtney Nelson, Daughters of the Stars Farmer Market  
James Davis, 406 Luray Avenue, Luray  
John Cencich, 402 Forest Road, Luray  
Bill Dudley, 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](mailto: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 to remember the events of 9/11. Councilman Pettit led everyone in the United States Pledge of Allegiance. The roll was then called with all Council members present.

### **ADDITION OR DELETION OF AGENDA**

There were no changes to the agenda.

### **CONSENT AGENDA**

**Motion:** Councilman Vickers motioned to approve the Consent Agenda as presented, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Lillard, White, Pettit, Sours, Webb. **Approved 6-0**

#### ***Consent Agenda***

- (A) Minutes of the Regular Council Meeting –08/14/2023
- (B) Minutes of the Work Session- 08/22/2023
- (C) Accounts Payable checks totaling- \$670,157.50
- (D) Year End Budget Adjusting Journal Entry.

### **GENERAL CITIZEN COMMENTS**

#### **Tim Rocke – Luray Ruritan Club**

Tim Rocke, Luray Ruritan Club member, spoke to promote the 988 Hotline for Suicide Crisis.

#### **Josephine Saunders – Every Early Child Learning Center**

Josephine Saunders, co-director, Every Early Child Learning Center, spoke about the traffic efforts for the proposed learning center.

#### **Melanie Connor – 4042 Pine Grove Road, Stanley**

Melanie Connor spoke in support of Every Child Early Learning Center.

#### **Leah Scarborough – Every Child Early Learning Center Supporter**

Leah Scarborough spoke in support of the proposed learning center.

### **Randy Arrington – Page Valley News**

Randy Arrington spoke about legislative efforts to approve online media for use of public notices.

### **Brittany Pettit – 288 Baltimore Hill Road, Stanley**

Brittany Pettit spoke in support of Every Child Early Learning Center.

### **Jenna Smith – Every Child Early Learning Center**

Jenna Smith, Special Use Permit applicant, spoke regarding the upcoming public hearing for Every Child Early Learning Center.

### **Courtney Nelson – Daughter of the Stars Farmers Market**

Courtney Nelson of 701A Coverstone Lane in Shenandoah, thanked the Town Council for their support of the Daughters of the Stars Farmers Market.

## **COUNCIL RESPONSE**

Councilman Vickers inquired if the Farmers Market would continue and if it would expand to Stanley. Ms. Nelson stated that the Market would continue in Luray and Shenandoah for the immediate future.

## **PRESENTATIONS**

### **Luray Downtown Initiative**

Program Director, Jackie Elliott thanked Council for their continued annual funding. Ms. Elliott also recognized Parks and Recreation staff for watering the hanging baskets and keeping them beautiful. Ms. Elliott stated that the Sunflower Festival was a big success with around 3,000 in attendance and has received positive feedback. Ms. Elliott informed Council of the September 14<sup>th</sup> Virginia Main Street Director meeting to be held here in Luray. She invited everyone to the Downtown Halloween event and is anticipating around 2,000 kids. Ms. Elliott informed Council that the final reports from the Transformation Strategies Project were still being finalized and invited Council to the Heart of Downtown Business Appreciation Luncheon.

## **PUBLIC HEARINGS**

### **SUP 23-16 – TBD Fourth Street**

Town Manager, Steve Burke, requested Council conduct a Public Hearing to receive citizen input and to consider a request for a Special Use Permit to install a manufactured home on parcel Tax Map No. 42A11-18-88-85 (TBD Fourth Street) in the R-4 High-Density Boomfield Residential District as permitted in Town Code 404.2.e.

Town Code requires the following:

1. If it is a structure, transportable in two or more sections, which in the traveling mode is ten body feet or more in width or 40 body feet or more in length, or when erected on site is 800 or more square feet, and which is built on a permanent chassis and designed to be used as a single-family dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating and electrical systems contained therein.
2. The special use permit application must be reviewed by the Luray Town Council and approved by the Luray Town Council.
3. The axles, wheels and towbar/hitch must be removed.
4. The roof must be constructed of shingles, or other materials customarily and normally used for conventional dwelling roofing, and must be approved by the Town Council and the Luray Town Council.
5. The underpinning shall consist of a permanent, continuous masonry foundation.
6. Siding must be of any material commonly used in conventional homes.
7. Front, rear and all other steps and landings must be constructed in accordance with all legal requirements.
8. All other Town of Luray zoning requirements must be met.

The applicant is working with a manufacturer to confirm the dimensions.

The Planning Commission unanimously recommended approval of the application at their August 16<sup>th</sup> meeting.

Mayor Dofflemyer opened the hearing for public discussion. Eddie Davis of 406 Luray Avenue expressed his concern about the size of the lot being so small and would be a densely developed lot. Mayor Dofflemyer closed the public hearing.

**Motion:** Councilman Webb motioned to approve the Special Use Permit to install a manufactured home conforming to Town Code 404.2.e. on parcel Tax Map No. 42A11-18-88-85 (TBD Fourth Street) in the R-4 High-Density Boomfield Residential District for Mary Duncan as presented. Motion seconded by Councilwoman Lillard with the vote as follows: YEA: Council Members Vickers, Lillard, White, Pettit, Sours Webb. **Approved 6-0**

### **SUP 23-17 – 58 West Main Street – Sign of Right-of-Way**

Town Manager, Steve Burke, requested Council conduct a Public Hearing to receive citizen input and to consider a request from Pretty on Y'all, LLC to install a sign on the south face of 58 West Main Street that extends into the Right-of-Way over the West Main Street sidewalk. The sign will be mounted with a bracket secured by four three-inch lag screws.

Town Code 801.4.k prohibits signs "...erected in or over a public right-of-way..."

Town Code 802.4 provides a Special Exception that can be approved by Town Council through a "Special Use Permit authorizing a sign which would otherwise be prohibited by this article."

Previously considered signs and flags within the Right-of-Way were required to provide the following:

- Maintain Liability insurance in excess of \$1,000,000 coverage with the Town identified as an additional insured.

- Sign shall be maintained in good condition and shall be removed when appearance deteriorates.
- Sign post and anchoring shall be inspected annually by a qualified Structural Professional Engineer.

The Planning Commission unanimously recommended approval of the application at their August 16<sup>th</sup> meeting.

Mayor Dofflemyer opened the hearing for public discussion. Tim Rocke, owner of the property, spoke in favor of the application and stated that there had been a sign previously. Mr. Rocke inquired if the inspection requirement was consistent along Main Street. John Cencich of 402 Forest Road, tenant of the property and spouse of the applicant spoke in support of the application. Mayor Dofflemyer closed the Public Hearing.

Councilman Webb would like the sign inspection to be every three years instead of inspected annually.

**Motion:** Councilman Vickers moved to approve the Special Use Permit to install a sign on the south face of 58 West Main Street that extends into the Right-of-Way over the West Main Street sidewalk from Pretty on Y'all LLC with conditions modified to have the Building Official inspect every three years as presented. Motion seconded by Councilwoman Lillard with the vote as follows: YEA: Council Members Vickers, Lillard, White, Pettit, Sours, Webb. **Approved 6-0**

### **FY 22-23 Budget Amendments**

Town Manager, Steve Burke, requested Council conduct a Public Hearing to receive citizen input and to consider several Budget Amendments to the FY22-23 as recommended by the Town's Auditor. The Amendments are as follows:

- Street maintenance revenues and expenditures will be increased by the amount of \$251,415 to reflect additional funds received from the Virginia Department of Transportation and expended by the Town for street maintenance in FY22-23.
- American Rescue Plan Act funds will be increased by the amount of \$100,000 to reflect the use of those funds in FY22-23 primarily due to the early completion of the Luray Landing Pump Station.
- The Town's General Fund will be increased by the amount of \$134,539 to reflect the receipt of grant funding provided to reimburse certain expenditures for the Town Police Department in FY22-23.
- The Town's General Fund will be increased by the amount of \$54,000 to reflect receipt of additional lodging tax revenues and the use of those funds as debt service expenditures to reduce the principal debt on the Brown's Building during FY22-23.
- The Town's General Fund will be increased by the amount of \$42,000 to reflect the receipt of grant funds from the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund, which were dispersed to the grant applicant, Luray Living Legacy, in accordance with the grant terms during FY22-23.

Mayor Dofflemyer opened the hearing for public discussion. With no one in attendance to speak, Mayor Dofflemyer then closed the Public Hearing.

Councilman Webb inquired about an additional payment on the Brown's building. Treasurer, Danielle Babb, informed Council that the Town paid an additional principal payment in an effort to reduce the debt service on this loan.

**Motion:** Councilwoman Lillard moved to approve the Budget Amendments to the FY22-23 Town Budget as presented. Motion seconded by Councilman White with the vote as follows: YEA: Council Members Vickers, Lillard, White, Pettit, Sours, Webb. **Approved 6-0**

## **ACTION AND DISCUSSION ITEMS**

### **ARPA – Utility Projects**

Town Manager, Steve Burke, requested Council approve and authorize funding of \$7,072.00 for continued advertising on the Page Valley News website through the Town's ARPA Allocation. Funding for PVN advertising is currently included in the proposed ARPA expenses.

The Town currently advertises upcoming events and programs on the website.

**Motion:** Councilwoman Lillard moved to approve and authorize the use of \$7,072.00 of Town ARPA funds for advertising in the Page Valley News as presented. Motion seconded by Councilman White with the vote as follows: YEA: Council Members Vickers, Lillard, White, Pettit, Sours. ABSTAIN: Webb **Approved 5-0**

### **Hawksbill Greenway – Yagers Spring Extension**

Town Manager, Steve Burke, requested Council consider authorizing Racey Engineering to complete the Task 1 of the Final Construction Design Plans Phase of the Hawksbill Greenway – Yagers Spring Extension. The services include the Environmental Engineering – Cultural Resources Evaluation.

The proposed cost for services is \$40,000.00 with the Hawksbill Greenway Foundation providing a \$20,000 contribution for these services.

Staff would propose \$20,000 of ARPA funding for the Town's portion of these costs.

**Motion:** Councilman Sours motioned to approve and authorize Racey Engineering to complete the Task 1 of the Final Construction Design Plans Phase of the Hawksbill Greenway – Yagers Spring Extension in an amount not to exceed \$40,000. I further move that Council authorize the Town Manager and Town Treasurer to execute all agreements associated with this work. I also move that Town Council approve and authorize the use of \$20,000 or ARPA funding for this project. Motion seconded by Councilwoman Lillard with the vote as follows: YEA: Council Members Vickers, Lillard, White, Pettit, Sours, Webb. **Approved 6-0**

### **Code Amendment – Section 516 Accessory Dwelling Structures**

Town Manager, Steve Burke, requested Council discuss the recommended Code Amendment to Section 516 – Accessory Dwelling Structures developed by the Planning Commission.

The Page County Building Official requested that the reference be changed from Units to Structures as the Building Code defines an "Accessory Dwelling Unit" as "dwelling unit in a two-family dwelling that is accessory to the primary dwelling unit." The Commission did not desire to include basements or other spaces in the primary dwelling unit for accessory use.

Accessory Dwelling Structures are proposed to be allowed by Special Use Permit in the Business (B-1), Low Density Residential (R-1), Medium Density Residential (R-4) Zoning Districts. Chapters 401.2.c; 402.2.f; 403.2.k; 404.2.p; and 406.2.q shall be established or revised to be “Accessory dwelling structures, as set forth in article V, section 516.”

ADS’s must be existing detached structure constructed prior to December 31, 2022 in the Low Density (R-1) Residential District. Accessory Dwelling Structures shall not be used for short-term rentals. The property owner must reside in either the primary residence or accessory dwelling structure.

Councilman Webb stated that there are structures in town that could benefit from these opportunities. Council requested that a Public Hearing be scheduled at their October meeting.

### **Facility Use Policy**

Town Manager, Steve Burke, requested Council discuss the updated draft of the Facility Use Policy. The Policy was submitted to the Chamber of Commerce and Luray downtown Initiative for review on August 16<sup>th</sup> with no comments received to date.

The updated draft allows after hour use by outside organization if a representative of the Chamber, LDI, Rail historical Society, or Town is present. In addition, the restricted activities were reduced to activities that could result in damage to the facility.

Council members discussed that this would be a good compromise.

**Motion:** Councilman Vickers motioned to adopt the “Town of Luray Policy Concerning Non-Government Use of Certain Non-Public Meeting Space” as presented to take effect upon adoption. Motion seconded by Councilman Sours with the vote as follows: YEA: Council member Vickers, Lillard, White, Pettit, Sours, Webb. **Approved 6-0**

### **Proclamation – Constitution Week**

Town Manager, Steve Burke, requested Council approve a Proclamation recognizing the week of September 17<sup>th</sup> as Constitution Week. Deloris Lackovitch with the Shenandoah River Chapter of the Daughters of the American Revolution has requested Town Council consider the Proclamation recognizing the 232<sup>nd</sup> Anniversary of the drafting of the Constitution of the United States by the Constitutional Convention.

**Motion:** Councilman White motioned to approve the Proclamation for Constitution Week 2023 as presented. Motion seconded by Councilwoman Lillard with the vote as follows: YEA: Council members Vickers, Lillard, White, Pettit, Sours, Webb. **Approved 6-0**

### **CLOSED SESSION**

#### **2.2-3711(A)(3)- Real Property Acquisition**

Town Council conducted a Closed Meeting for the purpose of discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open

meeting would adversely affect the bargaining of the Code of Virginia. The subject matter is the possible property acquisition for the Department of Public Works.

**Motion:** Councilman Pettit motioned to recess the regular meeting and to convene in executive session; 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 matters covered under Section 2.2-37A11(A)(3) of the Code of Virginia were heard, discussed, or considered during the closed session. **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.

### **TOWN ATTORNEY’S REPORT**

Nothing further this evening.

### **COUNCIL COMMENTS**

Councilman Sours reported that he received two noise complaints with one involving a rooster in a residential neighborhood. The Town Attorney will develop draft Noise Ordinance amendments for future consideration. Councilman Webb offered condolences to the families of Dixon Freeland, Frances Menefee, and Mary Ann Suddith.

### **MAYOR’S ANNOUNCEMENTS**

Mayor Dofflemyer invited Council to the “Good as New to U” ribbon cutting on Friday, September 15<sup>th</sup>.

### **ADJOURN**

With no further business, the meeting was adjourned at 8:45 pm.

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Jerry Dofflemyer  
Mayor

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Danielle N Alger  
Deputy Clerk-Treasurer