

**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE  
TOWN OF LURAY, PAGE COUNTY, VIRGINIA  
July 10, 2006**

The Luray Town Council met in regular session on Monday, July 10, 2006 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:** President of Council, William Menefee

**Council Present:** Nancy Shifflett                      Lonnie Arrington  
Leroy Lancaster                      Barry Presgraves                      Earl "Rock" Racer

**Also Present:** Jerry Schiro, Town Manager  
Rick Black, Assistant Town Manager  
Mary Broyles, Clerk-Treasurer  
Shelley Owens, Deputy Clerk-Treasurer  
Charlie Hoke, Wastewater Superintendent  
Page Campbell, Chief of Police  
Ligon Webb, Town Planner  
Jason Spitler, Town Attorney  
Media: Page News & Courier  
Other Interested Parties Present: 16

A quorum being present, Council President William Menefee declared the Council to be in session for the transaction of business. All present stood to recite the United States Pledge of Allegiance. Mr. Menefee stated he is sitting in for Mayor Dean who is unable to preside over tonight's meeting because he is recovering from recent surgery. Mr. Menefee extended congratulations to returning Council Member Mrs. Nancy Shifflett and new Council Member, Mr. Lonnie Arrington. Mr. William Menefee is also a returning Council Member as of July 1, 2006.

**CONSIDERATION OF MINUTES**

Minutes of the June 12, 2006 Regular Council Meeting were submitted for review. **Motion:** Councilman Presgraves motioned to approve the June 12, 2006 minutes as presented; motion seconded by Councilman Lancaster with the following YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, and Racer. **Approved 6-0.**

Minutes of the June 19, 2006 Special Meeting of the Town Council were submitted for review and approval. **Motion:** Councilman Lancaster motioned to approve the June 19, 2006 minutes as presented; motion seconded by Councilman Presgraves with the following YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, and Racer. **Approved 6-0.**

Minutes of the June 28, 2006 Special Meeting of the Town Council were submitted for review and approval. **Motion:** Councilman Lancaster motioned to approve the June 28, 2006 minutes as presented; motion seconded by Councilman Presgraves with the following YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, and Racer. **Approved 6-0.**

Draft minutes of the June 14, 2006 Luray Planning Commission meeting were submitted for review and information only.

## **PUBLIC HEARINGS**

### **Luray Condominiums – Special Use Permit Public Hearing**

#### **Applicant: Gary Modjeska, 400 West Main St., Luray**

Town Planner, Mr. Ligon Webb opened discussion to begin the public hearing for Luray Condominiums, LLC application for a special use permit. The applicant has expressed an interest in converting the planned apartment houses into condominiums which would require compliance with the Virginia Condominium Act. The applicant has proffered to improve the intersection of Memorial Drive by adding a right and left turn lane onto West Main Street and a left turn lane into the proposed apartment house complex. (ie: Condominiums). The existing plans will be revised to include these improvements pending approval of the special use permit. Councilman Lancaster questioned if V.D.O.T. has provided the additional comments necessary to approve the intersection of Memorial Drive and West Main. Mr. Webb indicated V.D.O.T. is satisfied with the proposed changes and the developer's proffered improvements exceed the impact to be created by his development. In response to Councilman Presgraves questions, Ligon Webb stated he met with hospital officials recently to discuss the effects of the proposed development on the Pegasus flights. The Pegasus pilot indicated he will maintain clear access to the hospital following implementation of the proposed intersection improvements. Councilman Arrington asked for location clarification for the proposed retention pond. Developer, Gary Modeska stated the pond will be located to the right of the Mimslyn in the lawn area although this will be a dry pond.

Mr. Gary Modjeska with Area Properties, addressed Council concerning his request for a Special Use Permit and stated the permit is for a 4.8 acre parcel which is located adjacent to the Mimslyn. The Special Use Permit is requesting development of apartment houses within a B-1 zone although the residences will be a condominium form of ownership. The preliminary site plan illustrates three buildings which are oriented to be compatible with the Mimslyn structure and will not exceed 25 units per building. Mr. Modjeska displayed photographs of the proposed buildings and identified modifications proposed for the Memorial Drive and West Main Street intersection. Mr. Modjeska stated once the preliminary site plan and special use permit are approved, a final engineered site plan will be developed and presented to Council for approval. Jerry Schiro stated although the proposed development will be done in three phases, the special use permit will be valid for all three structures. Public comment: None.

**Motion:** Following further discussion, Councilwoman Shifflett motioned to approve the special use permit and the site plan with changes to be made to the site plan in accordance with the proffers submitted by the applicant for the purpose of constructing apartment houses in a B-1 zoning district within the Town of Luray. Councilman Arrington seconded the motion with the following YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, and Racer. **Approved 6-0.**

### **Zoning Ordinance Change Public Hearing: Townhouse and Apartment Residential District (R-5)- Council Resolution 2007-07-02**

Town Planner Ligon Webb stated the first proposed zoning ordinance change is proposed to add Townhouses as defined in Article II, Section 202, as a use permitted by-right in Section 405.1 in accordance with Section 510 of the Town Code. This ordinance change shall be entered into record as Council Resolution 2007-07-02. Public comments: None

### **Zoning Ordinance Change - Condominiums: Council Resolution 2007-07-01**

Mr. Webb stated the addition of the term Condominium is proposed to be added to Article II, Section 202 of the Town Code. The definition of Condominium shall be a building or complex in which units of property are owned by individuals and common parts of the property, such as the grounds and building structure, are owned jointly by the unit owners and subject to all provisions enumerated in the Virginia Condominium Act. This ordinance change shall be entered into record as Council Resolution 2007-07-01. Public comments: None

**Motion:** Councilwoman Shifflett motioned to approve Council Resolutions 2007-07-01 and 2007-07-02 consisting of proposed zoning ordinance changes to townhouses and condominiums as discussed; motion seconded by Councilman Lancaster with the following YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, and Racer. **Approved 6-0.**

## **GENERAL CITIZEN AND ORGANIZATION COMMENTS**

### **Shenandoah National Park – Panorama Facility**

Superintendent of the Shenandoah National Park, Mr. Chas Cartwright addressed council to update them on the Panorama Facility. Mr. Cartwright stated the park officials have been trying for over seven years to have the existing Panorama Facility converted into a year round visitor's center but due to budget constraints, this has not yet been made possible. In the next five years, twenty to twenty-five positions will be cut from the park's payroll through attrition. Mr. Cartwright also informed Council that the current entrance to the park via Highway 211 in Luray will soon be closed and all public access will be made through entrance stations.

### **State Budget Update**

Delegate Todd Gilbert presented a verbal update on the new state budget. Significant investments were made in education and mental health. The sex offender registry was modified and substantial funds were invested to have them civilly committed following their prison sentences. Delegate Gilbert stated in reference to transportation, one billion dollars will be added to the five billion dollar budget for transportation and the House will meet again in September on this issue. The state passed a seventy-two billion dollar budget without increasing taxes this year. Delegate Gilbert invited Council and staff to contact him any time with questions or concerns.

### **Luray Downtown Initiative**

L.D.I. Executive Director, Catherine Stewart submitted a written monthly report of activity for Council review. Ms. Stewart extended her appreciation to the Town of Luray for all of their assistance during the Fourth of July festivities. Without Pat O'Brien, G.R. Anderson, the Police Department, Lynn Mathews and his crew, the event could not have been possible.

### **United Way**

Ms. Paula Kibler, Executive Director of the United Way of Page County addressed Council concerning the annual golf tournament. The United Way of Page County serves twelve partner agencies and all funds remain in the Page County area. Ms. Kibler requested Council consider donating \$600.00 to the United Way to be used as the prize money for the golf tournament.

## **TREASURER'S REPORT**

Treasurer's Report of Cash on Hand as of July 10, 2006:

<b>SunTrust Bank:</b>	
General Fund Account.....	\$ 3,234,357.34
<b>Cash on Hand:</b> .....	\$ <u>30,295.80</u>
	<b>TOTAL: \$ 3,264,653.14</b>
<b>Savings Accounts:</b>	
PVB-FmHA Sewer Plant Sinking Fund.....	\$ 28,788.00

Mary Broyles, Town Clerk / Treasurer submitted to Council for approval, Accounts Payable invoices in the total amount of \$ 282,979.58. **Motion:** Councilman Racer motioned to approve payment of the list of invoices presented, seconded by Councilman Presgraves with the following council members voting YEA: Shifflett, Arrington, Menefee, Lancaster, Presgraves, and Racer. **Approved: 6-0.**

### **TOWN MANAGER'S REPORT**

Town Manager Jerry Schiro stated he would like to thank the town staff involved in the Fourth of July celebration. These employees sacrifice time from their families in order to assist and their time which is key to the success of this event, is very much appreciated.

Staff has successfully closed the fiscal year end books and all new budget accounts are in place.

In reference to the Depot, staff will be applying for additional grant funding to complete the project. Staff will be inviting the Town's representative on the Commonwealth Transportation Board, Mr. James A. Davis to Luray to present the completed project and to meet some of the key stakeholders.

As directed by Council, Councilman Racer, Rick Black, and Jerry Schiro conducted a field inspection of sidewalks on Main Street. Photographs were taken of damaged areas which need to be replaced but overall, the sidewalks on Main Street are in good condition. Damaged areas will be prioritized and repaired when funding is available.

Paving operations have moved to Meade and Cole Streets. Plantings have been delayed until the fall on the North Broad and Mechanic Street project.

Regarding the status of the Community Development Block Grant, Jerry Schiro will be meeting with Doug Merideth twice this week to discuss beginning the upper story residential housing rehabilitation. They will be meeting with property owners to finalize agreements and to confirm low to moderate income status of tenants.

Jerry Schiro reminded Council of the scheduled meeting with the Airport Commission tomorrow evening which will be at 6:00 p.m.

Some Council members, along with Catherine Stewart and Pat O'Brien will be attending the Living Towns Meeting in Gordonsville on Wednesday, July 12, 2006. Catherine Stewart has created a Power Point presentation of the Luray Depot, the Virginia Main Street Project, and the Hawksbill Greenway to share with Gordonsville.

Councilman Menefee reminded Council to complete and submit their surveys pertaining to the Depot.

### **TOWN ATTORNEY'S REPORT**

Town Attorney Jason Spitler stated he has prepared several ordinances for Council consideration. The first ordinance (Council Resolution 2006-07-06) will appoint the following members to the Town Planning Commission with a term expiration of July 1, 2010: Mr. Larry Hakel, Mr. Clifton Campbell, and Mr. Sam McNeely. The second ordinance (Council Resolution 2006-07-05) will appoint Ms. Emily Holder, Mr. Isaac Seal, and Mr. Jerry Dofflemyer to the Industrial Development Authority with term expirations of July 1, 2010. The third ordinance (Council Resolution 2006-07-04) will appoint the following members to the Tree and Beautification Committee until July 1, 2010: Mr. Dixon Freeland, Mr. Kenneth Beyer, and Ms. Vickie Pitts. **Motion:** Councilman Presgraves motioned to approve the appointment of commission members as identified in each ordinance presented and recorded into record as Council Resolutions 2006-07-04, 2006-07-05, and 2006-07-06. The motion was seconded by Councilman Lancaster with the following YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, and Racer. **Approved 6-0.**

In reference to the draft skateboarding ordinance presented, Mr. Spitler stated he has not yet received a consensus of the Council regarding proposed changes. In consideration of concerns expressed about residential area skateboarding, a new draft ordinance has been prepared which includes prohibiting

skateboarding on any streets or roads in the town as well as any sidewalks or parking areas which adjoin the Greenway or Main Street. Councilman Lancaster stated he requested a meeting with the Chief of Police concerning this issue and this has not yet been conducted so he would like to table this matter. Chief of Police, Page Campbell provided a verbal summary of recent skateboarding complaints filed with the Police Department. Councilman Lancaster indicated he can not justify punishing all skateboarders for the actions of a few and he suggested the police concentrate on charging the ones causing trouble and destruction of property, with violations of current laws. **Motion:** Following extensive discussion and deliberation, Councilman Presgraves motioned to approve the skateboarding ordinance (Council Resolution 2007-07-06) with all amendments discussed, to read in part, as follows: No person shall use any skateboard on any highway, roadway or greenway, or on any sidewalk, parking lot or other public area adjoining Main Street, Broad Street, Campbell Street or Virginia Avenue within the Town of Luray. The motion was seconded by Councilwoman Shifflett with the following **YEA:** Council Members Shifflett, Arrington, Menefee, Presgraves, and Racer. **NAY:** Council Member Lancaster. **Approved 5-1.**

Council directed staff to issue public notice of this ordinance through newspaper publication, cable channel 15 notification, and posting a public notice on the town website.

## **DEPARTMENTAL REPORTS**

### **POLICE - PUBLIC SAFETY AND EMERGENCY SERVICES COORDINATOR'S REPORT**

Chief Page Campbell submitted a written report of police department activity for the month of June 2006. Chief Campbell stated the Page County Disaster Workshop will be held on August 2, 2006 at the Fire Station from 10:00 a.m. until 12:00 Noon.

### **PARKS AND RECREATION DEPARTMENT**

Parks Director Pat O'Brien submitted a written report of parks and recreation activity and events. Councilwoman Shifflett stated she knows someone who would like to donate a bench for the greenway. Mr. O'Brien indicated no additional benches are needed along the greenway at this time however, a picnic table is needed. Councilwoman Shifflett requested clarification of the parks report as it relates to the extension of the \$15,000 Department of Forestry Grant funds to be used for the conceptual design work of the Greenway Phase IV. Mr. O'Brien stated that if the conceptual design is not submitted by September 30, 2006, the town will lose these grant funds due to non-compliance. Following discussion, it was the consensus of Council to conduct a Worksession on Monday, July 17, 2006 at 5:30 p.m. for the purpose of discussing extension of the greenway.

### **PUBLIC WORKS DEPARTMENT**

On behalf of Public Works Director, Lynn Mathews, Assistant Town Manager Rick Black stated all water tests were in compliance during the month of June 2006. Two new water and two new sewer taps were made this month. Crews have been checking fire hydrants and cleaning storm drains. Brush pickup this month will be July 27 and 28, 2006. The public works department hired three new employees to fill vacancies within the department on July 5, 2006. The new employees are Bill Wyatt, Billy Haddock, and Brandon Marston.

### **WASTEWATER TREATMENT DEPARTMENT**

Director of Utilities, Charles Hoke stated all wastewater tests were in compliance with all state and federal regulations during the month of June 2006. Draper Aden and Associates has completed the Nutrient Reduction Study; a meeting will be held with the engineers on July 13, 2006. Mr. Hoke reminded Council the town has a 70% matching grant to defray costs of this study.

### **TOWN PLANNER'S REPORT**

Town Planner, Ligon Webb submitted a comprehensive report with the Council agenda packet. Mr. Webb stated staff just completed the request for proposals for the Comprehensive Plan update. These requests will be going out to the public next week and bids will be accepted from July 17 through August 25, 2006.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

#### **Alley Acquisition Request – Phillip and Kelly Lang 518 Fifth Street, Luray**

Rick Black stated Council has an alley acquisition request from Phillip and Kelly Lang residing at 518 Fifth Street in Luray. Mr. Lang would like to acquire the twenty foot alley way behind his property in order to clean up the debris and weeds. Staff advised Mr. Lang that his request would be considered at the mandatory public hearing which will be held at the August Council meeting.

#### **Council Contributions**

Councilwoman Shifflett directed staff to issue a letter to all of the organizations who receive contributions from the town. Notice needs to be provided to all of these entities that Council must receive a copy of their audited financial statements each year as a formality.

### **MAYOR'S ANNOUNCEMENTS**

Council President William Menefee opened discussion concerning the Go-21 Organization, (Growth Options for the 21<sup>st</sup> Century). Jerry Schiro stated Mayor Dean requested the Go-21 information be presented to Council this month in order to receive direction concerning the support of freight rail transportation services. A draft letter to Congressman Cantor and a resolution titled, Resolution in Support of Rail Solutions to Growing Freight Transportation Needs (Council Resolution 2006-07-07) was presented for consideration. **Motion:** Following discussion Councilwoman Shifflett motioned to adopt Council Resolution 2006-07-07 as presented. Motion seconded by Councilman Racer with the following council members voting YEA: Shifflett, Arrington, Menefee, Lancaster, Presgraves, and Racer.

**Approved: 6-0.**

### **ADJOURN**

There being no further business to transact, Mayor Dean adjourned the regular session of the Town Council at approximately 8:30 p.m.

Approved August 14, 2006:

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Council President, William Menefee

Attest:

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Michelle Owens, Deputy Clerk / Treasurer