

**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF LURAY, PAGE COUNTY, VIRGINIA
Monday, June 8, 2009**

The Luray Town Council met in regular session on Monday, June 8, 2009 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 Barry Presgraves

Council Present: Nancy Shifflett
Lonnie Arrington
William Menefee
Leroy Lancaster
Jerry Schiro
Earl "Rock" Racer

Also Present: Rick Black, Town Manager
Bryan Chrisman, Assistant Town Manager
Mary Broyles, Clerk-Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Jason Spitler, Town Attorney
Page Campbell, Chief of Police
Lynn Mathews, Superintendent of Public Works
Charlie Hoke, Director of Utilities
Karen Riddle, Luray Page County Chamber of Commerce
Powell Markowitz, Luray-Page County Airport Commission
Kenneth Painter, Luray-Page County Airport
Randy Arrington, Page News and Courier
Luther Johnson, Page News and Courier
Carla Sours, 219 Eighth Avenue, Luray
Bill Shifflett, VFW-Luray Chapter
Roscoe Frye, 6 Bixlers Ferry Rd, Luray
Tom Sites, 489 Egypt Bend Rd, Luray
Kimberly Slye, 412 Second Street, Luray

A quorum being present, Mayor Barry Presgraves declared the Council to be in session for the transaction of business. Mayor Presgraves requested a moment of silence in memory of former Mayor Ralph H. Dean. After a moment of silence, all present stood to recite the United States Pledge of Allegiance.

CONSENT AGENDA

Motion: Councilman Schiro motioned to approve the Consent Agenda, motion seconded by Councilman Menefee with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Consent Agenda

- A) Minutes of May 11, 2009 Regular Council Meeting*
- B) Minutes of May 26, 2009 Work Session*
- C) Financial Report for the period May 1-31, 2009*
- D) Accounts payable checks totaling \$ 242,043.32*
- E) Authorize the Town Treasurer to adjust Fund Balances and VDOT contributions to balance the Fiscal Year 2009 Budget*
- F) Authorize the Town Manager to update the current "Town Seal" and "Town Letterhead"*
- G) Authorize the closure of the Town Office to the public to finalize the FY 2009 "Books"*
- H) Accept DOAV Grant to Install Automatic Gate Controls and Security Lighting*
- I) Airport: J. Sanders Payment Request # 11*
- J) Support the formation of a "501c3 Corporation" to provide additional funding for the perpetual maintenance for all Town of Luray Recreational Facilities*

PUBLIC HEARING

Vacation of Public Right of Way

Town Manager, Rick Black, stated that the purpose of the public hearing was to receive public comment on the Vacation of Public Right of Way request from Jeffrey and Kimberly Slye. The request concerns Tax Map# 42A11-18-70-13 (412 Second Street), no adjacent property owners have contacted the office with concerns. Mayor Presgraves opened the public hearing with no citizens present to comment on the request. With no comments from the public, Mayor Presgraves closed the public hearing. **Motion:** Councilman Arrington motioned to approve the Vacation of Public Right of Way request from Jeffrey and Kimberly Slye (Tax Map # 42A11-18-70-13 as presented, motion seconded by Councilman Menefee with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

GENERAL CITIZEN COMMENTS

Bill Shifflett, Luray VFW

Mr. Bill Shifflett of the Luray Chapter of the VFW, came before Council to present an award of recognition. Mr. Shifflett began by stating that the new van, used to transport veterans to the Martinsburg VA Hospital, has been completely paid for thanks to donations. Mr. Shifflett thanked the Mayor and Council for their support of this endeavor over the past several years. Mr. Shifflett encouraged those in attendance to volunteer their time to the transport service as drivers are needed. Mayor Presgraves was presented and accepted the award for Outstanding Service to this program.

Carla Sours, 219 Eighth Avenue

Ms. Sours spoke before Council on behalf of neighborhood residents to present a petition to stop speeding in the area of the intersection of Third Street and Eighth Avenue. Area residents are recommending that a 4-Way Stop be installed at the intersection to slow traffic.

Police Chief, Page Campbell, stated that his department recognizes that there is speeding in this area but that the offenses have not been within the thresholds for ticketing. He stated that in the past two weeks his department has monitored the area and out of 700 vehicles clocked only two tickets have been issued.

Chief Campbell sited that this is a high traffic area due to the flow of vehicles to the recreation park. Councilman Menefee suggested implementing an enhanced penalty zone. Chief Campbell explained that the enhanced penalty zone provides for the normal fine for speeding plus an enhancement penalty.

Councilman Arrington stated that in the past there was a 4-Way Stop in this area but it was removed. Mr. Arrington stated his concerns for vehicles stopping at the signs in inclement weather. Councilman Arrington feels that this would impose a greater danger during times of bad weather. Councilman Arrington stated that he does recognize both sides of concern regarding this matter.

Councilwoman Shifflett told Council that she had spoke with Officer Steve Cave about this. His observation was that speeding is decreased when motorists are aware of a police presence.

Councilman Lancaster stated that the 4-Way Stops were taken off of Third Street and Eighth Avenue years ago to assist with the volume of traffic on First Street. Councilman Schiro noted that 4-Way Stops are difficult for many reasons and tend to cause confusion amongst motorists. He advised that in some cases more accidents are caused when they are implemented. Councilman Schiro emphasized that some sort of progressive action should be taken to lessen citizen concerns. Councilman Schiro suggested implementing a speed trailer to slow down traffic meanwhile educating citizens of their driving habits. Speed trailers also alert motorists of stricter enforcement areas.

Council concurred that the implementation of a speed trailer in this area would be a good alternative to the stop signs. Since the purchase of the speed trailers may be costly, town staff will also look into leasing options. Council agreed that this equipment would also be very useful for special events and road closures. **Motion:** Councilman Schiro motioned to direct staff to check into the purchase or lease of a speed trailer, motion seconded by Councilman Menefee with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Roscoe Frye, 6 Bixlers Ferry Road

Mr. Roscoe Frye of 6 Bixlers Ferry Road came before Council to report of recent damages incurred due to drainage issues. Mr. Frye stated that the Town has already made efforts to fix the drainage issues but during recent rains his property incurred high water. Mr. Frye requested that he be compensated for the damages to the basement portion of his home. **Mr. Frye stated that he will need to replace carpeting, furniture, electrical items, and clothing for his son who resides on the lower floor of the home.** Mayor Presgraves stated that he has previously spoken with Mr. Frye and was given an estimate of \$4500 for the damages. Mayor Presgraves believes that further estimates can be sought out to reduce these costs. Mr. Frye's insurance will not cover these costs, nor will the Town's VML Insurance. Lynn Mathews, Superintendent of Public Works, stated that there is a drain pipe located in this area to eliminate such drainage issues. However, Mr. Mathews explained that due to debris collecting in the drain pipe, the drainage pipe could not function properly. **Mr. Mathew's crew has since installed a grate to eliminate debris from collecting in the pipe. Mayor Presgraves stated that these repairs to the drain pipe will help in the future but will not solve Mr. Frye's damages currently.** Councilman Arrington suggested getting estimates from various carpet vendors to obtain a better price. Mayor Presgraves stated that **manufacturers may not still produce the type of carpet that Mr. Frye had in his home but that an alternative type of carpet could be found.** Mr. Schiro stated that he would like for Council to instruct Town Manager, Rick Black, to look into these costs and take a look at repairing or replacing the damaged items. Councilman Schiro suggested that if the Town of Luray repairs the damaged items to Mr. Frye's satisfaction; that Mr. Frye sign a release form. Town Attorney, Jason Spitler, agreed with Councilman Schiro. **Councilman Menefee suggested having the Town Manager handle getting second estimates and so forth.**

Motion: Councilman Menefee motioned that Council authorize the Town Manager to work with Mr. Roscoe Frye to proceed with getting these items fixed, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer.
Approved 6-0

Mayor Presgraves stated to Mr. Frye that we would make every effort to work with him on this. Mr. Frye questioned how long this process would take, Mayor Presgraves suggested that it would take approximately two weeks maximum.

Tom Sites, 489 Egypt Bend Road

Mr. Sites stated that he has been a horticulturist for the past forty-nine years. Mr. Sites, along with the family members of the late Jeb Caudill, would like to create a memory garden on Phase II of the Hawksbill Greenway. The funds collected to date for the garden are approximately \$1100. Mr. Sites stated that he is not asking for Council to make a decision on the concept this evening. Meanwhile, Mr. Sites presented Council and Staff with a rough draft concept of the garden for review. Mayor Presgraves advised that Council would take this request under advisement and would revisit the subject at the next Council Work Session.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Rick Black, Town Manager, reported that upcoming events for LDI include the evenings on main concert series and the Fourth of July Family Funfest. He stated that the fireworks display will be held at 9:00pm in area in front of the old tannery building. Mr. Black advised Council that work on the VDOT traffic signs continue.

Luray/Page County Chamber of Commerce

Karen Riddle reported to Council on the month's activities for the chamber of commerce. She informed Council that the chamber now has 369 members. Ms. Riddle stated that the office received approximately 1000 walk-ins for the month of May. The Memorial Day weekend offered a high amount of visitor traffic for the chamber as well. She also stated that her staff is very excited about the upcoming move to the Luray Passenger Depot. Ms. Riddle also discussed the upcoming 75th Anniversary Celebration for the Shenandoah National Park which will take place this year. She also reported that the largest business after hour's celebration was held in May at Lake Arrowhead.

Airport Commission

Mr. Powell Markowitz updated Council on the T-Hangar Project, stating that there is one change order to be approved. He stated that there are currently six vacant units but a mechanic has committed to occupying four of the vacant spaces. **Motion:** Councilman Schiro motioned to authorize the change order for the T-Hangar Project as presented, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer.

Approved 6-0

Mr. Markowitz also updated Council and Staff on the AWOS project. There will be one change order on this that will require approval. Mr. Markowitz reminded that this is a grant funded project in the amount

of \$195,000 with the work being done by Austin Electric. **Motion:** Councilman Arrington motioned to authorize Change Order #1 for the AWOS/Beacon Project, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Town Manager, Rick Black, questioned the payment requests #12 and #13 for J.Sanders. Mr. Markowitz stated that his figure of \$62,069.79 included request # 11 that was already approved during the consent agenda as well as the amounts for requests #12 and #13. Mr. Black was authorized to pay the full amount for all three requests.

DEPARTMENTAL REPORTS

POLICE- PUBLIC SAFETY AND EMERGENCY SERVICES COORDINATOR'S REPORT

Mayor Presgraves thanked Chief Campbell for his department's display at the funeral service for former Mayor Ralph H. Dean, which was held earlier this afternoon.

Chief Campbell provided his monthly report for Council and informed of 73 arrests and 313 total calls for service for the month of May. Chief Campbell reminded Council and Staff that this would be his last Council meeting until returning from the FBI academy in October. He stated that Lieutenant Petefish will be providing the monthly Council reports in his absence.

PARKS AND RECREATION

Mr. Rick Black, Town Manager, presented the department's report for the month. Mr. Black informed Council that the I Flow System at Lake Morningstar is now completely functional. Mr. Black stated that Mr. O'Brien is currently working with DCR regarding Lake Arrowhead. The first two successful evenings on main concerts have been held to date. As well, the closeout meeting for the festival of spring has also been concluded with some new ideas to implement for next year's event. Lastly, Mr. Black stated that Jennifer Bradt will be performing mural repairs.

Councilwoman Shifflett noted that there is confusion regarding the traffic signs at the pocket park area of Phase IV. There is currently no left turn permitted when traveling in the southbound lane of US340 Business. Councilman Racer suggested that the Town Manger revisit these concerns with Bob Childress of VDOT.

PUBLIC WORKS DEPARTMENT

Lynn Mathews, Superintendent of Public Works, reported that the public works department repaired four water leaks for the month. The department responded to three sewer calls in the last month. Also, the department completed one new sewer tap at 23 Antioch Road due to a failing septic system. Mr. Mathews informed that the department will be conducting brush collection on June 25th and 26th. Mr. Mathews noted that due to the recent amount of rainfall the department has been very busy working on the storm drainage program. Other upcoming projects for his department include; trimming roadsides, spraying, sign work, and hanging the flags on Main Street.

WASTEWATER TREATMENT DEPARTMENT

Charlie Hoke, Director of Utilities, stated that all distribution samples came back negative. Mr. Hoke stated that the work on the water treatment plant has been somewhat delayed, partially due to weather constraints. The project is estimated to be substantially complete by the end of July.

Regarding the Wastewater Treatment Plant, the plant is all compliant for the month. Mr. Hoke also informed Council and Staff that Faulconer Construction has completed almost all of the excavation work for the clarifier portion of the project.

OLD BUSINESS

Proposed FY2009-2010 Budget

Rick Black, Town Manager, stated that at the last Council Meeting a public hearing was held on the proposed FY09-10 budget. According to state law the Council is not permitted to vote on the budget until 7 days after the public hearing. Mr. Black reviewed the highlights of the proposed budget with no comments from Council Members. **Motion:** Councilman Menefee motioned to approve the proposed FY2009-2010 budget as presented, motion seconded by Councilwoman Shifflett with the vote as follows: YEA: Council Members Shifflett, Menefee, Lancaster, Schiro, Racer NAY: Arrington. **Approved 5-1.**

Councilman Menefee asked staff when the Greenway Trailside Restroom construction would begin. Town Manager, Rick Black, stated that the request for proposals would be advertised in this week's newspaper and that staff would proceed accordingly.

Councilman Lancaster questioned the signs located in the parking lot on Phase IV of the Greenway. Mr. Black replied that citizens had made complaints that the lot was being used for commuter purposes. Councilman Lancaster expressed his concern that there are too many signs going up.

NEW BUSINESS

Mayor Presgraves stated that there was no new business on the agenda for the meeting.

EXECUTIVE SESSION

Consideration of the acquisition of real property. Section 2.2-3711.A.3

Consideration of the disposition of publicly held real property. Section 2.2-3711.A.3

Consideration of the investment of public funds where bargaining is involved, Section 2.2-3711.A.6

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing Section 2.2-3711.A.3 and Section 2.2-3711.A.6. **Motion:** Councilman Racer motioned to recess the regular session and to convene in executive session; Councilwoman Shifflett seconded the motion with the following members voting YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, and Racer. **Approved 6-0**

Motion: Councilman Racer motioned to adjourn the closed session and to reconvene in open session; Councilwoman Shifflett seconded the motion with the following members voting YEA: Council Members Shifflett, Menefee, Arrington, Lancaster, Presgraves, and Racer. **Approved 6-0**

Mayor Presgraves asked members of Council to certify that to the best of their knowledge the only matters covered under Section 2.2-3711.A.3 and Section 2.2-3711.A.6 were heard, discussed, or considered during the closed session. **The roll was called with all members certifying “Yes”.**

Motion: Councilman Arrington motioned to authorize the application for the grant that would allow funding for the land acquisition discussed in Executive Session; Councilman Schiro seconded the motion with the following members voting YEA: Council Members Shifflett, Menefee, Arrington, Lancaster, Schiro, Racer. **Approved 6-0**

MAYOR’S ANNOUNCEMENTS

Mayor Presgraves concluded the evenings meeting with several announcements regarding the events for Fourth of July weekend.

ADJOURN

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 9:21 pm.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer