

**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE  
TOWN OF LURAY, PAGE COUNTY, VIRGINIA  
Monday, May 11, 2009**

The Luray Town Council met in regular session on Monday, May 11, 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

**Absent:** Jason Spitler, Town Attorney

**Also Present:** Rick Black, Town Manager  
Bryan Chrisman, Assistant Town Manager  
Mary Broyles, Clerk-Treasurer  
Danielle Babb, Deputy Clerk-Treasurer  
Ligon Webb, Town Planner  
Page Campbell, Chief of Police  
Lynn Mathews, Superintendent of Public Works  
Charlie Hoke, Director of Utilities  
Catherine Stewart, Luray Downtown Initiative  
Karen Riddle, Luray Page County Chamber of Commerce  
Powell Markowitz, Luray-Page County Airport Commission  
Kenneth Painter, Luray-Page County Airport  
Luther Johnson, Page News and Courier  
Members of the Luray Planning Commission  
Fritz Bauckhages, Baughan and Bauckhages Architects

A quorum being present, Mayor Barry Presgraves declared the Council to be in session for the transaction of business. All present stood to recite the United States Pledge of Allegiance. Mayor Presgraves thanked all of the staff that worked during Saturday's Festival of Spring and complimented what a nice event was held this year.

**CONSENT AGENDA**

**Motion:** Councilman Lancaster 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 April 13, 2009 Regular Council Meeting*
- B) *Minutes of April 30, 2009 Work Session*
- C) *Financial Report for the period April 1-30, 2009*
- D) *Accounts payable checks totaling \$ 149,948.82*

## **PUBLIC HEARING**

### **Lease with Luray/Page County Chamber of Commerce for a portion of the Luray Depot**

Town Manager, Rick Black, stated that the purpose of the public hearing was to receive public comment on the Town's lease agreement with the Luray/Page County Chamber of Commerce for a portion of the Luray Depot. Mr. Black reviewed the terms of the lease agreement for Council and Citizens present. Mayor Presgraves opened the public hearing with no citizens present to comment on the agreement. With no comments from the public, Mayor Presgraves closed the public hearing. **Motion:** Councilman Menefee motioned to approve the Lease Agreement with the Luray/Page County Chamber of Commerce as presented, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

### **Proposed Budget for FY2009-2010**

Town Manager, Rick Black, presented information for the public hearing on the Proposed Budget for FY 2009-2010. Mr. Black read the advertisement aloud and stated that the public hearing was to receive comments from the public on the proposed budget. Mr. Black highlighted several areas of the budget: 1) No tax increases 2) Overall budget reduction of \$1,541 (8.5%) 3) A cost of living adjustment of 2.5 % for all employees 4) Water and Sewer Rate Increases. Mr. Black noted that Council will need to approve the Personal Property Tax Relief Resolution under New Business. Mr. Black reviewed the budget synopsis by line item for Council and Citizens present. After Mr. Black finished his review of the proposed budget, Mayor Presgraves opened the public hearing for citizen comment. With no citizens present to speak on the budget, Mayor Presgraves closed the public hearing.

## **GENERAL CITIZEN COMMENTS**

### **Fritz Bauckhages, Baughan and Bauckhages Architects**

Mr. Bauckhages stated that Council had been given a preliminary floor plan for the Trailside Restrooms to be located on Phase II and III of the Greenway. Mr. Bauckhages noted that the restroom on Phase III had been relocated slightly to avoid the affects of flooding. Both of the restrooms were designed smaller than originally planned and therefore should maintain well within the limits of the grant funding for the project. Mr. Bauckhages stated that at this point it is hard to forecast the exact costs of the structure but he estimates approximately \$55,000-60,000 for both structures. He stated that he has worked closely with Councilman Lancaster, Rick Black, and Pat O'Brien on the design and feels that all requests have been met. He stated that overall improvements have been made to the design to eliminate the opportunities for vandalism. Mayor Presgraves raised several questions about the design. Councilman Lancaster addressed these concerns based on discussions from the project meetings. Mr. Bauckhages stated that the next step for the project would be to put the trailside restrooms out for bid with standard bidding procedures. He feels that the timing of the project should be excellent for summer construction to begin.

## **TOWN AFFILIATED BOARDS AND COMMISSIONS**

### **Luray Downtown Initiative**

Catherine Stewart, Executive Director, displayed two photos for Council. The first was a group photo of the visitors from Luray, France. The second photo was of the large crowd lining Main Street during the Festival of Spring that was held on May 9, 2009. Ms. Stewart stated that next year's festival has been scheduled for May 8, 2010. Other upcoming events for LDI include the Evenings on Main Concert Series and the Fourth of July Celebration.

### **Airport Commission**

Mr. Powell Markowitz updated Council on the T-Hangar Project, stating that the final coating of asphalt had been completed. Mr. Markowitz told Council that 22 of the 28 hangar spaces have been leased. He stated that Kenneth Painter has received additional inquiries about the empty spaces and hopes they too will soon be rented. Mr. Markowitz said that negotiations are still ongoing with a mechanic who would occupy 4 of the spaces.

Mr. Markowitz reminded Council that he is aware that neither the Town nor County would like to provide any additional funding for the airport at the present time. Mr. Markowitz stated that he is pursuing a Virginia DOAV Grant that would provide funding for an automatic gate opener and security lighting. The grant is an 80/20 match, however the 20% match would come from volunteer labor. Thus, Mr. Markowitz is not asking for any funding on this grant from either the Town or County. Mr. Markowitz would like for Council to approve this grant at their next meeting as the deadline for funding is July 1, 2009.

Mayor Presgraves questioned if the tax issues have been resolved concerning the aircraft tax for Page County. Mr. Markowitz stated that some citizens would like to see the tax on Recreational Vehicles lowered in comparison to the lowering of the Aircraft tax. Mayor Presgraves reminded that the two items differ in appreciation/depreciation.

### **Luray/Page County Chamber of Commerce**

Karen Riddle, Executive Director, provided Council with updates from the Chamber of Commerce. She stated that the flow of visitors is increasing with the season. Also, the number of members has increased to nearly 370 countywide. Karen Riddle noted that the town has seen a variety of visitors ranging from the French visitors, German Media, and Canadian visitors. Also, the town recently received a radio spot for "Tourism Tuesdays". Ms. Riddle reminded that the Town needs to secure their spot in the visitor guide for next year and reminded of the upcoming networking breakfast. This month's business after hours will be held at Lake Arrowhead.

## **DEPARTMENTAL REPORTS**

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

Chief Campbell provided his monthly report for Council and informed of 43 arrests and 265 total calls for service for the month of April. Chief Campbell stated that the department had received grant funding to

purchase a new bike for bike patrol. He hopes to receive additional funding to update other bikes within the department. Chief Campbell stated that the department has partnered in the Click-It-Or-Ticket Program. The department is also keeping up to speed on the H1N1 virus and keeping everyone informed. Chief Campbell also reminded Council that he will be in training from July through September, Lieutenant Petefish will be in charge of the department in his absence. Lastly, Chief Campbell reported positive feedback on the police presence at the Festival of Spring.

## **PARKS AND RECREATION**

Pat O'Brien, Director of Parks and Recreation, presented his report for Council's review. Also, Mr. O'Brien handed out a brochure for the summer concert series. Mr. O'Brien stated that he will be finding a replacement performer for the Triathlon. The "Nighthawks" were scheduled to perform during the event, but have had to cancel due to another commitment. Mr. O'Brien is requesting to add an additional date to the series to allow for them to perform a concert before the end of the season.

## **PUBLIC WORKS DEPARTMENT**

Lynn Mathews, Superintendent of Public Works, reported that the public works department repaired five water leaks for the month. Also, the department completed one new water and sewer tap on Brumback Avenue. The department responded to five sewer calls in the last month. Lastly, Mr. Mathews stated that the department will continue work on the storm drainage program, street signs, and road patching. Mr. Mathews noted that due to the recent amount of rainfall the department will be working focusing on drainage repairs. Also, the department has a scheduled brush collection for the month of May.

Councilman Menefee questioned if any repairs were upcoming for the canon located at Inn Lawn Park. Assistant Town Manager, Bryan Chrisman, stated that he would look into this project.

## **WASTEWATER TREATMENT DEPARTMENT**

Charlie Hoke, Director of Utilities, stated that all distribution samples came back negative. Mr. Hoke stated that the Hudson Spring Pump had been replaced and that the department had rebuilt the booster pump at the new water plant site. Regarding the Waste Water Treatment Plant, Mr. Hoke informed that despite the high rainfall totals he does not anticipate any violations at the plant. He also stated that Faulconer Construction is now on site to begin with the construction on the Wastewater Treatment Plant Upgrades.

## **TOWN PLANNER'S REPORT**

Town Planner, Ligon Webb, stated that he will provide a presentation at the next work session on the Planning Commission's proposed changes to the sign ordinance.

## **OLD BUSINESS**

### **Accessory Dwelling Unit**

Town Planner, Ligon Webb, revisited the proposed changes to the Town Code to allow for Accessory Dwelling Units. Mr. Webb emphasized the three major changes that had been made to the proposed ordinance 1) the definition of "Accessory Dwelling Unit" has been slightly modified in order to lessen potential confusion 2) accessory dwelling units have been removed as special use in the R1 and R5 zoning districts, but allowable in the R2, R3, and R4 districts 3) two additional "supplemental regulations" have

been added – no more than two individuals can reside in an accessory dwelling unit at any given time, and an accessory dwelling unit may not exceed 50% of the gross square footage occupied by the lot’s primary dwelling.

Councilman Lancaster stated that he is opposed to the ordinance overall, but prefers that ADU’s be located in the B-1 zoning district if permissible. Mr. Webb stated that in order to include the B-1 zoning district, re-advertisement of the ordinance change would be required. Councilman Schiro concurred with the concept of the B-1 zoning district being included.

**Motion:** Councilman Schiro motioned to approve the change to the definition of “Accessory Dwelling Unit” as presented, motion seconded by Councilman Menefee with the vote as follows: YEA: Council Members Shifflett, Menefee, Schiro NAY: Arrington, Lancaster, Racer. **Tied: 3-3.** With a tied vote, Mayor Presgraves voted YEA. **Approved 4-3.**

After much discussion Council decided to eliminate the R-2 district from the proposed ordinance change.

**Motion:** Councilman Menefee motioned to add the term “Accessory Dwelling Unit” to the Town’s zoning ordinance as a “use permitted by special use permit” in the following zoning districts: R3 (High Density Residential, and R4 (High Density Residential), motion seconded by Councilwoman Shifflett with the vote as follows: YEA: Council Members Shifflett, Menefee, Schiro NAY: Arrington, Lancaster, Racer. **Tied: 3-3.** With a tied vote, Mayor Presgraves voted YEA. **Approved 4-3.**

**Motion:** Councilman Menefee motioned to approve the additional supplemental regulations to be added to Appendix A (Zoning), Article V (Supplemental Regulations) of the Town Code. The additional supplemental regulations would govern the development of Accessory Dwelling Units, motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Shifflett, Menefee, Schiro NAY: Arrington, Lancaster, Racer. **Tied: 3-3.** With a tied vote, Mayor Presgraves voted YEA. **Approved 4-3.**

### **Lillard Drive Water Line Easement**

Town Manager, Rick Black, stated that the water line has been installed on Lillard Drive. The Town Council will need to accept the water line and easement into the Town’s water infrastructure. **Motion:** Councilman Schiro motioned to approve the Lillard Drive Easement as presented, motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

### **NEW BUSINESS**

#### **VRA Resolution: Refunding of Series 2001D Bonds**

Town Manager, Rick Black, reviewed information regarding the refunding for Series 2001D Bonds. Mr. Black estimates an approximate savings of \$167,000 over the next 16 years. Basically this would be a refinance for funds and would not authorize any new money. The presently owed funds will not change nor will the term of the debt. Mr. Black reminded that the sole purpose of the resolution is for a substantial savings to the town. **Motion:** Councilman Menefee motioned to approve the VRA Resolution as presented, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

## CHANGES OR ADDITIONS TO THE AGENDA

### **Main Street Deck Project**

Councilman Racer reported that based on a recent meeting with the Army Corp of Engineers there should be no issues with the proposed improvements to the creek bank. Assistance from the Army Corp of Engineers will be available to the Town at no charge. However, Mr. Racer stated that the Town will still need to obtain the necessary permits for the project but should be at a much lower cost than originally projected. The current intentions for the project are to improve the creek bank area at ground level with an approximate cost of \$ 30,000 based on estimates from Racey Engineering. Mr. Racer stated that he will not ask Council for their approval on the project until it is known if any stimulus funds will be available.

### **CDBG**

Councilwoman Shifflett questioned if CDBG funds would still be available for upgrades to the old Mick or Mack building since it is now under new ownership. Town Manager, Rick Black, reminded that the housing rehabilitation portion of the CDBG program had been closed for some time now. As well, the program will end in June 2009 with all façade work requiring completion by this time.

### **PPTR**

Town Manager, Rick Black, reminded Council that they will need to approve the Personal Property Tax Relief Resolution in order to approve the proposed FY2009-2010 Budget. **Motion:** Councilman Menefee motioned to approve the PPTR Resolution for personal use vehicles valued at \$1,001 to \$ 20,000 be eligible for 100% tax relief, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

## EXECUTIVE SESSION

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

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

**Motion:** Councilwoman Shifflett motioned to adjourn the closed session and to reconvene in open session; Councilman Racer seconded the motion with the following members voting YEA: Council Members Shifflett, Arrington, Lancaster, Presgraves, and Racer. **Approved 5-0**

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

**Motion:** Councilwoman Shifflett motioned to have the Town Manager proceed with negotiations regarding the property in question owned by Mr. Curtis Harrell; Councilman Lancaster seconded the

motion with the following members voting YEA: Council Members Shifflett, Arrington, Lancaster, Schiro, NAY: Racer. **Approved 4-1**

### **MAYOR'S ANNOUNCEMENTS**

Mayor Presgraves concluded the evenings meeting with several announcements; he reminded of the Town of Shenandoah's Memorial Day Parade, the Lawrence Hotel Reception, and the Stanley Homecoming Parade.

### **ADJOURN**

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 8:53 pm.

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Barry Presgraves  
Mayor

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Danielle P. Babb  
Deputy Clerk-Treasurer