

**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF LURAY, PAGE COUNTY, VIRGINIA
Monday, August 13, 2007**

The Luray Town Council met in regular session on Monday, August 13, 2007 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 Ralph H. Dean

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

Also Present: Rick Black, Town Manager
Bryan Chrisman, Assistant Town Manager
Jason Spitler, Town Attorney
Mary Broyles, Clerk-Treasurer
Charlie Hoke, Director of Utilities
Lynn Mathews, Superintendent of Public Works
Page Campbell, Chief of Police
Pat O'Brien, Director of Parks & Recreation
Andrew Jenner, Page News & Courier

A quorum being present, Mayor Dean declared the Council to be in session for the transaction of business. All present stood to recite the United States Pledge of Allegiance.

CONSIDERATION OF MINUTES

REGULAR COUNCIL MEETING- July 9, 2007

Minutes of the July 9, 2007 Regular Council Meeting were submitted for review. **Motion:** Councilman Racer motioned to approve the minutes as presented, motion seconded by Councilman Presgraves with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

COUNCIL WORK SESSION- July 23, 2007

Minutes of the Council Work Session of July 23, 2007 were submitted for review. **Motion:** Councilman Menefee motioned to approve the minutes as presented, motion seconded by Councilman Presgraves with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

COUNCIL WORK SESSION- August 7, 2007

Minutes of the Council Work Session of August 7, 2007 were submitted for review. **Motion:** Councilman Lancaster motioned to approve the minutes as presented, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

PLANNING COMMISSION MEETING- July 11, 2007

Minutes of the Planning Commission Meeting of July 11, 2007 were submitted for review of information.

PLANNING COMMISSION WORK SESSION- July 23, 2007

Minutes of the Planning Commission Work Session of July 23, 2007 were submitted for review of information.

CDBG Management Committee Meeting- July 10, 2007

Minutes of the CDBG Management Committee Meeting held on July 10, 2007 were submitted for review of information.

GENERAL CITIZEN COMMENTS (other than agenda items)

Anthony Dacy who lives at 211 Third Street, Luray, VA

He and other residents of the 200 and 300 block of Third Street are having a problem with speeders. Mr. Dacy had discussed this with the Luray Police Department. This is primarily a residential area and the reason he is requesting a better quality of life is because there are children in the area and he is concerned for their safety. A child was almost hit by a car last Halloween by a person exceeding the 25MPH speed limit. They are requesting a stop sign on Eighth Avenue and maybe change the stop streets from Ninth, Eighth, and Seventh Avenue to Third Street and make those avenues through streets. Council will look into the situation to see what they can do.

TOWN CLERK/TREASURER'S REPORT

Treasurer's Report of Cash on Hand as of August 13, 2007:

Sun Trust Bank:	
General Fund Account	\$3,512,763.11
Cash on Hand:	\$ 11,470.30
Total:	\$3,524,233.41

Mary Broyles, Town Clerk/Treasurer submitted to Council for approval, Accounts Payable invoices in the amount of \$211,080.61. **Motion:** Councilman Racer motioned to approve payment of the invoices as presented, motion seconded by Councilman Presgraves with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

TOWN MANAGER'S REPORT

Mr. Black noted that all information is included in the agenda.

TOWN ATTORNEY'S REPORT

Holtzman Deed of Gift

Mr. Spitler stated that in September 2006 Council accepted gifts from Holtzman Incorporated with Baker Development and agreed to dedicate it so we would be able to provide infrastructure going into the business park located behind McDonalds. After that Deed of Gift was accepted by the Council, Baker Development realized they needed an additional 867 feet in order to make that intersection more feasible and rather than going back and correcting the prior deed, they presented us with another deed from Holtzman Incorporated for the additional square footage. Mr. Spitler asked for a motion to accept the deed authorizing the Mayor, himself and the Clerk to sign on behalf of the Town. **Motion:** Councilman Lancaster motioned to accept the deed and motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

Fair View Meadows Bond

Mr. Spitler stated that at the March 12 Council Meeting, Council voted to approve the final plat submitted by Fair View Meadows Subdivision, approval being contingent upon the developer providing the Town with the appropriate engineering and bonding. They have since provided all the engineering as well as a guarantee of performance bond agreement. They still have not provided the surety which would presumably be forthcoming at the time the agreement is accepted. Mr. Spitler has reviewed these documents and they appear to be in compliance with the subdivision ordinance. Council has through next month's meeting to formally approve. It is notable that the project has changed hands. The former developer, Llewellyn Incorporated, has sold the property. Mr. Spitler has not seen proof of that sale but is relying upon Mr. Reed's representation. Presumably they will be providing surety in the subsequent purchaser's name and he asked that Council approve staff accepting the agreement, as well as authorizing staff to release the assigned plats once the agreement is signed and the actual surety is in place. This matter was tabled until the September 10 meeting. Mr. Spitler will inform Mr. Reed to be present and have the subsequent purchasers at that meeting.

Luray Junior Fire Department

Mr. Spitler stated the Luray Junior Fire Department presented Council with an ordinance authorizing participation in that Department pursuant to Virginia's labor laws authorizing anyone 16 years or over to work in that capacity. **Motion:** Councilman Presgraves motioned that Council approve this and motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

Airport Easement

Mr. Spitler stated he spoke with one of the Delta Airport Consulting Engineers, who has been working with us on the airport easement. An issue has turned up in the context of working out all the other issues at the airport. In 2002 the Town and County conveyed several small tracts of property to VDOT.

The property is located near the intersection of State Routes 647 and 652. One of those tracts was approximately 4,000 sq. ft. Looking at all the correspondence back in 2002, it is apparent that the town and County, as well as VDOT, intended for the Town and County to reserve a right-of-way over this particular tract and the deed that was recorded failed to do so. It is in the Town's best interest that we reserve the right-of-way across the property we conveyed as we intended to do all along. Since time is of the essence, Council was asked to consider a motion and a vote to approve the correction of the prior deed. This would be a new deed reciting the old one, but citing the reason for the problem and inserting a new survey and description. Several sentences would also be added reserving the right-of-way to the Town. He asked that Council approve the Mayor, Mr. Spitler and the Clerk to sign the new Deed of Correction once it's prepared. We do not need to conduct a public hearing this time around. **Motion:** Councilman Arrington made a motion that we execute a Deed of Correction and motion was seconded by Councilman Menefee with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved: 6-0**

DEPARTMENTAL REPORTS

POLICE- PUBLIC SAFETY AND EMERGENCY SERVICES COORDINATOR'S REPORT

Chief Page Campbell reviewed his monthly departmental reports and noted that walking and biking patrol continued. He had replaced two officers that resigned and will be back to full force bringing them back to 11 full-time and 4 part-time which includes code enforcement and not filling the 12th vacancy but still showing that as part-time. Councilman Arrington commended the Chief and the officers who ride the bikes for doing an excellent job.

PARKS AND RECREATION

Pat O'Brien, Director of Parks and Recreation, stated that the first Ruffner Plaza concert on Saturday night was successful. The only change he would like to make with the way the concert is laid out is to move the food and ice cream vendors to the parking lot as opposed to being up behind Vivian's Florist.

He stated that another artist would like to paint a mural on the Aramark Building. It would depict a motorcycle on a turn, the old Shenandoah National Park sign and the old Virginia Skyline Company's logo.

There are 650+ people signed up for the Triathlon which will be held this Saturday and Sunday. Friday night the Night Hawks will be performing on the Plaza.

PUBLIC WORKS DEPARTMENT

Public Works Director, Lynn Mathews reported that all of the monthly water samples checked out OK. Trash pickup will be on August 15; brush pickup on August 23 & 24; continuing to work on drainage ditches and covered pipes, etc. Still working on trimming some of the roadsides out.

WASTEWATER TREATMENT DEPARTMENT

Charlie Hoke, Director of Utilities, noted that the Water Treatment Plant made their response to rural development and the engineers. They have a new professional engineering report ready to be submitted after the Town reviews it. The Waste Water Treatment Plant is in full compliance with all State and Federal regulations. Regarding the Professional Engineering Report, comments have been made to Richmond and Bob Aerhart has made four separate comments, all related to the grant that was approved for 75%. As soon as that's done, the Town should receive a letter of agreement and at that time the Town will need to make a decision on whether to proceed or not.

TOWN PLANNER'S REPORT

Town Planner, Ligon Webb, reported that at the next Planning Commission meeting, they will be reviewing the official zoning map. The re-zonings that have taken place since 2003 are reflected on the new zoning map especially Luray Heights and Luray Landing. After the 2003 updates were completed, the Town did not formally adopt the map as the Town's official zoning map. In order to be in compliance with both State and Town code, the Planning Commission will hold a public hearing in order to consider adopting the recently revised map as the Town's official zoning Map. If the Planning Commission takes action on this matter, the Town Council will hold a public hearing in September to consider adopting this map as the Town's official zoning map.

The Planning Commission will begin discussing landscaping in B-1. They will also be discussing at their meeting, the short term rentals in residentially zoned areas.

Mr. Webb stated he received Mr. Racer's comments on the Comprehensive Plan and will incorporate those suggestions into the Plan. Mr. Webb asked if anyone had any objection to moving forward with it and holding a public hearing in September. No objection was noted.

Mr. Webb stated in September Council will also have a public hearing for Shenandoah Wastes. Council wanted to visit another facility before the public hearing is held. Mr. Webb will set this up.

OLD BUSINESS

CREP on Greenway Phase III

Mr. Chrisman reported that the Town has signed a contract with Rockingham-Page FSA. The mowing issue on the CREP area of the Greenway Phase III appears to have been satisfactorily handled. Mr. Chrisman stated that they will be mowing our normal 5 foot strip along each side of the path and around behind existing benches etc. They are also maintaining the fence line along the Phase III buffer so the electrified fence can be kept active. Between August 16 and April 14, we will begin full scale mowing of the riparian area. We would have to cease mowing that area through the primary nesting and brooding season.

NEW BUSINESS

Mr. Chrisman stated there is an alleyway vacation request from Jo Ann Smeltzer. There is a small piece directly behind Lot 19 that she would like to have vacated and incorporated into Lot 19. At this time the Staff would like discussion from Council and a recommendation to proceed with the public hearing and advertisement or not. **Motion:** Councilman Presgraves made a motion that Council take it to a public hearing and motion seconded by Councilwoman Shifflett. The vote was as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

MAYOR'S ANNOUNCEMENTS

Mayor Dean had no announcements.

ADJOURN

There being no further business, Mayor Dean adjourned the regular session of the Town Council at approximately 8:00 pm.

Mayor Ralph H. Dean

Mary Broyles
Clerk-Treasurer