

**A REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF LURAY, PAGE COUNTY, VIRGINIA
Monday, June 14, 2010**

The Luray Town Council met in regular session on Monday, June 14, 2010 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 Racer

Also Present: Rick Black, Town Manager
Bryan Chrisman, Assistant Town Manager
Mary Broyles, Clerk-Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Ligon Webb, Town Planner
Jason Spitler, Town Attorney
Page Campbell, Chief of Police
Lynn Mathews, Superintendent of Public Works
Charlie Hoke, Director of Utilities
Luray Planning Commission Members
Mary Menefee, Council Member-Elect
Briana Campbell, Luray Page County Chamber of Commerce
Catherine Stewart, Luray Downtown Initiative
Karl Bakken, Luray Amusement Center
Betty Grubbs, 15 Wilson Avenue, Luray

A quorum being present, Mayor Barry Presgraves declared the Council to be in session for the transaction of business. All present stood for a moment of silence and then recited the United States Pledge of Allegiance.

CONSENT AGENDA

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

Consent Agenda

- A) Minutes of May 10, 2010 Regular Council Meeting.*
- B) Minutes of May 25, 2010 Work Session.*
- C) Financial Report for the period May 1 –31, 2010.*
- D) Accounts payable checks totaling \$467,209.24.*
- E) Closure of the Town's Business Office on July 1st and 2nd to finalize and make any necessary adjustment to the FY2010 Accounts.*

SPECIAL RECOGNITION

Mayor Presgraves presented Mr. Peyton Baughan with a Proclamation of appreciation on behalf of the Mayor, Town Council, and Chairman of the Planning Commission. Mr. Baughan has served the Luray Planning Commission for 46 consecutive years. Mr. Baughan holds the second longest term of any planning commissioner in the state of Virginia. Mr. Baughan thanked the Mayor and Council and said that it had been a pleasure to serve.

Mayor Presgraves also recognized Councilwoman Shifflett, as this was her last Council Meeting. Ms. Shifflett has served on the town council for twelve years. Also, Mayor Presgraves recognized Councilman Menefee for his 23 years served on the Luray Town Council.

PUBLIC HEARINGS

Amendments to the Zoning Ordinance

Signs

Town Planner, Ligon Webb, thanked the Mayor for the recognition of Commissioner Baughan. Mr. Webb also thanked Mr. Sam McNeely for his term.

The first item of business from Mr. Webb is in regards to the sign ordinance. The ordinance has been advertised for public hearing. This has been a year-long project for the commission. Mr. Webb stated that the commission has developed an ordinance that meets all criteria desired but is not too restrictive. Mr. Webb noted one typo on page 11 of the ordinance. This change states that the foundation of a monument sign shall be a minimum of 2 feet high and may not exceed 3 feet in height.

Mayor Presgraves then opened the public hearing for citizen comment. With no comments from the public, the hearing was closed. Councilman Schiro commended the commission for their work on the ordinance. He stated that it is always difficult to balance the needs of the business owners with those desired by the commission.

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

Poolroom or Billiards Room, Commercial Recreation, Amusement or Recreation Center

- 1) Ligon Webb, Town Planner, stated there are four items included in the advertisement for the amendments to the zoning ordinance and application for special use permit. The first item provides the definitions for Pool Rooms, Billiards Room, Commercial Recreation, and Amusement or Recreation Center.

Mayor Presgraves opened the public hearing for the changes to the zoning ordinance. With no comments from the public, the hearing was closed.

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

- 2) Mr. Webb stated that the next amendment to the zoning ordinance proposed to delete the term “Commercial Recreation” as a use permitted “by right”, thus making this type of business only permitted by special use permit.

Mayor Presgraves then opened the public hearing on this amendment; with no comments from the public the hearing was closed.

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

- 3) Mr. Webb stated that the next proposal will amend the zoning ordinance to include the following terms: Commercial Recreation, Amusement or Recreation Center.

Mayor Presgraves then opened the public hearing on this amendment; with no comments from the public, the hearing was closed.

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

- 4) Mr. Webb presented information for the special use permit application for Mr. Karl Bakken to operate an amusement center on a B1 zoned parcel. Mr. Bakken has provided a set of proffers for the facility. These rules have been signed by Mr. Bakken and are enforceable. Mr. Bakken stated that these rules will be displayed and asked the Council if they had changes. Councilman Lancaster asked if the pool tables would be visible from the windows. Mr. Bakken agreed to this regulation and will add that to his set of proffers. The planning commission has approved this special use permit.

Mayor Presgraves then opened the public hearing on this amendment; with no comments from the public, the hearing was closed.

Motion: Councilman Lancaster motioned to approve the special use permit for Mr. Bakken as proposed, motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

GENERAL CITIZEN COMMENTS

Betty Grubbs- 15 Wilson Avenue, Luray

Ms. Grubbs stated that she is still bothered by the pigeon problem in her neighborhood. She asked Council if they could please take care of this problem. She said that others in her neighborhood are bothered as well; but have not come before Council. She asked Council to please do what they can to remedy this problem.

Roy Miller, 8 Randolph Rd, Luray

Mr. Miller stated that he has come before Council due to the advertisement for the new utility rates. Mr. Miller said that something needs to be done about raising these rates. He stated that other bills are going up as well. Mr. Miller expressed his concern for those on fixed incomes. Mr. Miller said that these are the highest rates around. Mr. Miller said that sooner or later these increases have to stop! He said that people cannot afford these increases year after year. Mr. Miller is worried that people will have to choose between medication and utility bills. Mr. Miller said that something must be done. He asked that Council consider these items when voting on the utility rates.

Mayor Presgraves stated that Mr. Miller's concerns have not fallen on deaf ears.

Sam McNeely, 3 Meadow Lane, Luray

Mr. McNeely said that he was not going to speak before Council but that he was encouraged by Mr. Miller's comments. Mr. McNeely said that it had been a privilege to serve on the Luray Planning Commission. Mr. McNeely stated that he loves this town and that all members of the Council are special people to him. He stated that he and Councilwoman Shifflett share a special bond because of their family heritage and that she first encouraged him to move to Luray. He stated that he and Councilman Arrington first met by attending the Veterans Hospital in Martinsburg. He said that he has met no others like Mr. Arrington and he has only met one other person like him who married the same woman twice. Councilman Menefee first visited him due to a problem in his neighborhood and he felt very welcomed. Mr. McNeely stated that Mayor Presgraves had stepped into his position behind the "legend" of the former Mayor Dean. He said that he has taken the job and done very well with it. Mr. McNeely compared moving to Luray with moving to Mayberry. He said that he once went to a local merchant to purchase mulch and the business was going to close at noon. The owner (Councilman Lancaster) stated that he should just come back after hours and pay him on Monday. He asked where else could one do that but in a small town like Luray. He said that Councilman Schiro is one person that he deeply admires due to the achievements in his career. Mr. McNeely commended Councilman Racer and his entire family for their donations to this town.

Mr. McNeely then referred to Mr. Miller's comments on the utility rates. He stated that he always hears complaints about the water bill. He said that the average cost is about \$2.00 a day. He said that no one could get water or haul their trash to the landfill for that price. He said that it is worth what we pay for it. He said that the entire town operation is wonderful; he commended the ladies in the front office for their service and courteous behavior. Mr. McNeely said that he has been questioned why he would want to live in a location with so much snow. He said that with all the snow this past winter; the first thing he heard every morning was a truck coming past to clear the roads. Lastly, Mr. McNeely thanked everyone for the job that they are doing in the community he loves to live in!

Mayor Presgraves stated that it is a pleasure to have a citizen like him in community and thanked him for his service on the Planning Commission.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Catherine Stewart discussed the Festival of Spring dates for 2011. There were several date conflicts, so the date of May 14, 2011 has been selected. Ms. Stewart said the 4th of July Event is just around the corner and provided a sample flyer for Council to review. Ms. Stewart said that the previous company that provided the inflatables for kids has gone out of business. However, she said that there will still be children's activities. The location will still be on the Greenway, rather than moving to Main Street. Ms. Stewart also spoke about volunteer recruitment efforts. She stated that if a volunteer provides service for a specific number of hours they will receive a free ticket to the cash party this fall. Also, she said that work has been completed on the caverns kiosk. Also, Ms. Stewart said that flyers in the kiosks are going to be replaced with maps.

Luray Page County Chamber of Commerce

President of the Chamber, Briana Campbell, stated that all statistics are up for the chamber. She stated that this trend will continue as the busy tourism season approaches. Ms. Campbell said that the total membership is now up to 413. Ms. Campbell provided Council with a copy of the "Invitation to Join" letter that is going out to all businesses within the county. She hopes that the membership numbers will increase with this new information. Also, another incentive to join the chamber will be a coupon to merchants for a one-on-one session with a chamber representative regarding the use of *Facebook* for their business. Lastly, Ms. Campbell reminded everyone of the upcoming business after hours to be held at Lake Arrowhead.

Luray Page County Airport Commission

Mayor Presgraves stated that he has received information from Mr. Powell Markowitz that advised of a final offer being made by the FAA for the Luray Landing property.

DEPARTMENTAL REPORTS

POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES

Chief Page Campbell stated that there were 285 total calls for service for the month of May 2010. The total arrests for the month of May are 43.

PARKS AND RECREATION

Mr. O'Brien was not present at the evenings meeting, however a written report was provided for Council.

PUBLIC WORKS DEPARTMENT

Lynn Mathews, Superintendent of Public Works, stated that the department repaired four water leaks and made one water tap at the recreation park. The department has repaired four fire hydrants this month. Also the department responded to six sewer calls and repaired two sections of sewer lines. Upcoming projects for his department include storm drainage work, cleaning gutter pans, roadside cleanup, guardrail clean-up, sign repair and consolidation. The department has brush collection coming up and will be displaying the summer banners.

WTP AND WWTP

Mr. Hoke advised Council that the upgrades at the wastewater plant are going very well and one of the clarifiers is online at this point. He stated that the completion date is in September 2010. Also, he said that the wastewater treatment plant was all compliant.

Charlie Hoke, Director of Utilities, said that some work is still being completed at the water plant. Also, he said that all samples came back negative. Mr. Hoke said that the system is operating as designed.

PLANNING

Mr. Webb told the Council that his items for the evening were covered under the public hearing portion of the meeting. Mr. Webb said that nominations to the planning commission are ongoing.

OLD BUSINESS

Town Manager, Rick Black, said that the largest part of old business is adopting the budget for the upcoming fiscal year. Mr. Black reminded that many work sessions had been held on this; the overall reduction in the budget was eight million dollars due to the completion of several capital projects. There cannot be a vote on the budget until seven days after the public hearing and the vote must take place by June 30th.

Motion: Councilman Schiro motioned to approve the proposed FY2011 Budget, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Mr. Black stated that also the fee schedule for utilities must be approved by Council.

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

NEW BUSINESS

Amendment of FY July 1, 2009-June 30, 2010 Budget

Town Manager, Rick Black, stated that there is a problem in closing out the books for year. The first issue is that the CDBG Grant was to be closed out as of June 2009. This project has continued into the current fiscal year thus creating expenditures. While these expenditures have been reimbursed by grant funds the town incurred the spending of federal funds which was not included in the current year budget. Mr. Black is requesting a public hearing on June 29th to amend the current budget. Also, the water plant construction should have closed out in June 2009. The VRA loan for the wastewater plant closed after the FY2010 budget was approved. This loan was not incorporated into the budgeted revenue. While the expenses for these projects were reimbursed through loans and grants, there were no revenues included in the budget to offset these expenditures. The public hearing on June 29th will be needed to close out the budget.

VRS: “Member Contribution Pick-up Guide Resolution”

Mr. Black advised Council that the VRS resolution has three options for localities’ retirement contributions. Currently, the Town pays the entire 5% contribution for each employee. This legislation only affects those employees hired after July 1, 2010. The first option is for the employee to pay their own 5% contributions. The second option is for the Town to pay the entire 5% contribution. The last option is for the town to pay some portion of the five percent with the employee paying the remainder. Mr. Black said that one of these options must be selected prior to the June 30th, 2010 deadline. Mayor Presgraves said that anything other than the entire 5% would create a disparity between employees. Councilman Lancaster agreed that we would not want that.

Motion: Councilman Lancaster motioned that the Town pay the entire 5% contribution for VRS Retirement for employees hired after July 1, 2010; motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer.
Approved 6-0

VRS: “Transitional Benefits Program Resolution”

Town Manager, Rick Black, presented Council with another resolution based on actions taken by the General Assembly. This is the “Transitional Benefits Program Resolution” which begins on July 1, 2010 and ends on June 30, 2012. Mr. Black explained that this deals with losing members of your work

force; which he does not predict will affect the town in any way. Mr. Black said that this resolution is completely optional. Mr. Black and Councilman Schiro discussed the benefits provided to the employees at the time of layoff. Mr. Black said that if Council would want to adopt this resolution it must be done by July 1, 2010. Mr. Black emphasized again that there are no layoffs planned at this time. The details of this resolution were provided in Council's packet. Councilman Racer felt that this was not relevant at the current time. Mayor Presgraves felt it would be best to defer this resolution until a later time, if there became a need. He emphasized that this did not seem to be a pressing matter. Council's consensus was that this was unnecessary at the present time.

TOWN ATTORNEY'S REPORT

Jason Spitler, Town Attorney, advised Council that the only business he had for the evening required an executive session.

EXECUTIVE SESSION

Legal Matters, Section 2.2-3711.A.7 (Actual or Probable Litigation)

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing Section 2.2-3711.A.7. **Motion:** Councilman Lancaster motioned to recess the regular session and to convene in executive session; Councilman Racer seconded the motion with the following members voting YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, and Racer. **Approved 6-0**

Motion: Councilman Lancaster 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, Menefee, Lancaster, Schiro, and Racer. **Approved 6-0**

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".**

ANNOUNCEMENTS/ ADJOURN

Mayor Presgraves reminded Council of the Stanley 4th of July Parade and asked Mr. Black to respond to the invitation. Also, Mayor Presgraves reminded Council of the Employee Picnic on July 2nd at Lake Arrowhead.

Mayor Presgraves asked Council to pass a resolution in appreciation of Councilman Menefee's twenty-three years of service. **Motion:** Councilman Racer motioned to approve the resolution for Councilman Menefee; motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Schiro, Racer. **Approved 5-0**

Mayor Presgraves also asked Council to pass a resolution in appreciation of Councilwoman Shifflett for her twelve years of service. **Motion:** Councilman Lancaster motioned to approve the resolution for Councilwoman Shifflett; motion seconded by Councilman Menefee with the vote as follows: YEA: Council Members Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 5-0**

Town Manager, Rick Black, updated Council on information regarding the Little League project. Mr. Black said that they could not be present at tonight's meeting but would like to be at the next work session. Mr. Black said that \$469,375.59 has been expensed to date for the project. He stated that the chances are very good that this project will exceed the \$750,000 budget. Mayor Presgraves said that this project could exceed the budget by as much as 10%. He also said that there was a request to spend an additional \$30,000 for an irrigation system.

Mayor Presgraves was not in favor of spending these additional funds. Also, Mayor Presgraves updated Council on the revenues from the cigarette tax. Ligon Webb, Town Planner, said that there are approximately 3,000 packs being sold per day within the town.

Councilman Lancaster returned to the subject of the irrigation request for the ball fields. Mr. Lancaster said that this is a good method for watering the fields and that the effect is far better from an irrigation system rather than above ground watering. Mayor Presgraves said that the infrastructure for the system is in place and that this project could take place at a later date. Councilman Menefee asked if the lights were going in soon. Councilman Lancaster said they would be installed tomorrow.

Lastly, Mayor Presgraves reminded everyone of the reception at the Victorian Inn on Wednesday night to honor Councilwoman Shifflett and Councilman Menefee.

Councilwoman Shifflett said that she appreciated Council "putting up with her" over the years. She expressed how much she has enjoyed serving on the Council. She stated that she "loves Luray" and loves her town. Councilwoman Shifflett highlighted how far the efforts have come with the downtown and hopes that she has made a difference by serving her town.

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 8:38 P.M.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer