

**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE  
TOWN OF LURAY, PAGE COUNTY, VIRGINIA  
Monday, March 10, 2008**

The Luray Town Council met in regular session on Monday March 10, 2008 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, Treasurer  
Danielle Babb, Deputy Clerk-Treasurer  
Ligon Webb, Town Planner  
Charlie Hoke, Director of Utilities  
Pat O'Brien, Director of Parks and Recreation  
Lynn Mathews, Superintendent of Public Works  
Page Campbell, Chief of Police  
Andrew Jenner, Page News & Courier  
Members of the Luray Airport Commission  
Attorney Mark Reed  
Brian McKeehan, Delta Airport Consultants  
Members of the Luray Planning Commission  
Sharon Sampsell, Page County Cultural Recreation Coordinator  
Members of Boy Scout Troop 100  
Melissa Spears, LHS Student Ambassador

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- February 11, 2008**

Minutes of the Regular Council Meeting of February 11, 2008 were submitted for review. **Motion:** Councilman Lancaster 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- March 4, 2008**

Minutes of the Council Work Session of March 4, 2008 were submitted for review. **Motion:** Councilman Menefee 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- February 13, 2008**

Minutes of the Planning Commission Meeting of February 13, 2008 were submitted for review of information.

### **CDBG MEETING- February 27, 2008**

Minutes of the CDBG Meeting of February 27, 2008 were submitted for review of information.

### **CDBG MEETING- March 5, 2008**

Minutes of the CDBG Meeting of March 5, 2008 were submitted for review of information.

## **PUBLIC HEARINGS**

### **A) Appendix B: Subdivision Definition & Re-subdivide elimination**

### **B) Appendix A & B: Lighting and Landscaping**

Presently in Appendix B (Subdivisions), Article V (Definitions), Section 502 (Words and Terms Defined) the word/ term resubdivision is defined as: *A change in a map of an approved or recorded subdivision plat if such change affect any street layout on such map or area reserved thereon for public use, or any lot line thereon; or if it affects any map or plan legally recorded as a subdivision prior to the adoption of any regulations controlling subdivisions.* The proposal is that the definition for resubdivision in Appendix B (Subdivisions), Article V (Definitions), Section 502 (Words and Terms Defined) be eliminated from the Town Code. **Motion:** Councilman Arrington motioned to approve the amendment as proposed; motion seconded by Councilman Presgraves with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

Presently in Appendix B (Subdivisions), Article V (Definitions), Section 502 (Words and Terms Defined) the word/ term subdivision is defined as: *The division of a parcel of land into three or more lots or parcels of less than three acres each for the purpose of transfer of ownership or building development, or, if a new street is involved in such a division, any division of a parcel of land. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.* The proposal is that the definition for subdivision in Appendix B (Subdivisions), Article V (Definitions), Section 502 (Words and Terms Defined) be amended. The proposed amended definition for subdivision would read as follows: *The division of any lot or parcel, and when appropriate to the context, can relate to the process of subdividing, or to the land subdivided.* **Motion:** Councilman Presgraves motioned to approve the amendment as proposed; motion seconded by Councilman Lancaster with the

vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

Presently, in Appendix B (Subdivisions), Article III (Specifications for Documents to be Submitted), Section 302.3 (Preliminary Plat) of the Town Code requires that preliminary plats address thirteen (13) specific topics as part of the official submittal to the Town's Planning Commission. These thirteen specific topics are listed as letters (A) through (M) in section 302.3. Further, letter (L) of section 302.3 contains ten (10) additional supplemental requirements. The proposal is that letter (L) of section 302.3 be amended to include additional language related to landscaping plans. It is proposed that Appendix B (Subdivisions), Article III (Specifications for Documents to be Submitted), Section 302.3 (Preliminary Plat), letter (L) be amended to include an additional supplemental requirement. **Motion:** Councilman Arrington motioned to approve the amendment as proposed; motion seconded by Councilman Menefee with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

Presently, in Appendix B (Subdivisions), Article III (Specifications for Documents to be Submitted), Section 303.2 (Final Plat) reads as follows: 303.2 The final plat shall be accompanied by supplementary data, where applicable as required for preliminary plats, article III, section 302.4 and 302.5 in addition to all appropriate approvals from the state health department, state department of transportation, the state water control board, and any other agency as required. No final plat shall be approved by the town unless all proper approvals are submitted to the town. The standards in article IV shall be complied with. It is proposed that Appendix B (Subdivisions), Article III (Specification for Documents to be Submitted), Section 303.2 (Final Plat) be amended to include additional language. The amended section 303.2 would read as follows: 303.2 The final plat shall be accompanied by supplementary data, where applicable as required for preliminary plats, article III, sections 302.3, 302.4 and 302.5 in addition to all appropriate approvals from the state health department, state department of transportation, and the state water control board, and any other agency as required. No final plat shall be approved by the town unless all proper approvals are submitted to the town. The standards in article IV shall be complied with. **Motion:** Councilman Racer motioned to approve the amendment as proposed; motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

Presently, Appendix A (Zoning), Article V (Supplemental Regulations), Section 515 (Site Plan) of the Town Code requires that commercial/ business site plans address fourteen (14) specific topics as part of the official submission to the Town's zoning administrator. These fourteen (14) specific topics are listed as letters (A) through (N) in section 515. It is proposed that section 515 be amended to include additional language related to landscaping plans and outdoor lighting plans. It is proposed that Appendix A (Zoning), Article V (Supplemental Regulation), Section 515 (Site Plan), be amended to include two additional requirements. These additional requirements would be listed as letter (O) and (P). This amendment would require commercial site plans to separately submit landscaping and lighting plans for review by the Town's zoning administrator. **Motion:** Councilman Racer motioned to approve the amendment as proposed; motion seconded by Councilman Presgraves with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

## **GENERAL CITIZEN COMMENTS**

### **A) Contributions**

Melissa Spears, 296 First Street – Apt. B., was present to speak before Council regarding her contribution request. Miss Spears is a junior at Luray High School and has been nominated for the People to People

student ambassador program. The program will take a trip to Australia this summer to promote world peace. Mayor Dean presented Melissa with a check for \$500 to assist with the cost of her trip.

Citizen, Lee McWhorter, asked Council to consider a contribution to the Disabled Veterans Transportation program. The program offers a van to transport disabled veterans and veterans of foreign wars to medical appointments. The van offers a service that may be ones only means of attending medical appointments. Mr. McWhorter feels that they deserve the best transportation possible and requests that Council consider a contribution for this cause.

**B) Bluemont Concert Series**

Page County Cultural Recreation Coordinator, Sharon Sampsell, spoke to Council regarding the County’s intentions for the upcoming Bluemont Concert Series. The County of Page is currently coordinating with Peter Dunning, President of Bluemont Concert Series, for the upcoming season. Ms. Sampsell advised that she has some concerns over the financial aspect of Bluemont; noting that she has requested financing information from Mr. Dunning. However, she feels that the overall benefit to the community from Bluemont is worthwhile. The series currently provides school programs and events at the area nursing homes in addition to the concert dates. Council discussed the number of concerts received for the level of funding and raised some concerns. Ultimately, Council would need to make a decision under New Business to meet deadline constraints.

Citizen Lee McWhorter also spoke as an advocate of the Bluemont Concert Series but too expressed concerns over the financial accountability. Mr. McWhorter feels that a great deal of labor is put in by volunteers and town employees to prepare for these concerts and that those contributions should count toward the cost of the series.

**TOWN CLERK/TREASURER’S REPORT**

Treasurer’s Report of Cash on Hand as of March 10, 2008:

<b>Sun Trust Bank:</b>	
General Fund Account.....	\$ 3,649,567.32
<b>Cash on Hand:</b> .....	\$ 32,323.99
<b>Total:</b> .....	<b>\$ 3,681,891.31</b>

Mary Broyles, Town Treasurer, submitted to Council for approval, Accounts Payable invoices in the amount of \$ 322,852.70. **Motion:** Councilman Racer motioned to approve payment of the invoices as presented; motion seconded by Councilman Menefee with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

**TOWN MANAGER’S REPORT**

Town Manager, Rick Black, noted that areas of his report would be covered under old and new business.

## **TOWN ATTORNEY'S REPORT**

Town Attorney, Jason Spitler, informed Council that the Fair Association Deed of Easement has been executed by all parties.

## **TOWN AFFILIATED BOARDS AND COMMISSIONS**

### **Luray Downtown Initiative**

Catherine Stewart, Luray Downtown Initiative, could not be present at the meeting; however Assistant Town Manager Bryan Chrisman provided a report. Mr. Chrisman advised Council of the National Mainstreet Accreditation, Festival of Spring activities, and CDBG updates. Also, he noted that work continues on the Wayfinding Signage project and the joint advertising efforts for Virginia Living magazine.

### **Airport Commission**

Council received updates from Powell Markowitz regarding the Airport Commission. Mr. Markowitz came before Council with several items requiring approval. The first item of business pertains to a change order from Erect-A-Tube Incorporated for the T-Hangar construction. The commission is recommending the addition of 2 large hangars and the deletion of 5 small hangars. The Council will need to authorize this change order and is within the overall budget of the project funded by the EDA reflecting no additional cost to the Town/County. **Motion:** Councilman Presgraves motioned to authorize staff to sign the change order for the T-Hangar project with no additional cost to the Town; motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

The next item from Mr. Markowitz concerned to the amendment to the lease agreement for the T-hangars. The agreement amendment would state that the Town and County receive all rental income from the hangars rather than Luray Caverns.

Mr. Markowitz also advised Council that the reselection of a consultant would be needed as required by the FAA. He requested that the Council reselect Delta Airport Consultants, Inc. **Motion:** Councilman Presgraves motioned to reappoint Delta Airport Consultants as consulting engineers for the airport commission; motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

The airport commission also requested that the Council defer the payment of water and sewer tap fees. The commission would like to ask that this payment be deferred until the terminal building has been constructed.

Mr. Markowitz requested that Council authorize the Town Manager and Town Attorney to sign the contract for the purchase of the Bennett Property. This also requires from Council a special budget appropriation. **Motion:** Councilman Presgraves motioned to authorize staff to execute the documents for the purchase of the Bennett Property; motion seconded by Councilman Menefee with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0** **Motion:** Councilman Presgraves motioned to approve the special budget appropriation in the amount of \$163,378 for the purchase of the Bennett Property; motion seconded by Councilman Arrington with the

vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer.  
**Approved 6-0**

On behalf of the Airport Commission, Mr. Markowitz presented the Town with a check for \$47,000 to repay the loan for the hangar project.

Lastly, Mr. Markowitz discussed the short and long term financing for the Hangar Project. Town Manager, Rick Black, reminded Council that before any further progress could be made for the financing, the lease agreement must be amended. Rick also reviewed recent correspondence from bond counsel, Carolyn Perry (Botkin Rose PLC). Town Attorney, Jason Spitler, advised that a formal resolution should be drafted and voted on at a later date considering the agreements complexity. Mayor Dean suggested holding a special work session to address this matter. Council agreed to hold a work session on this matter on Friday, March 14, 2008 at 9am.

## **DEPARTMENTAL REPORTS**

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

Chief Campbell reviewed his monthly departmental report and noted an increase in the number of arrests. His department has also been working on a police presence survey letter for town businesses. His staff is addressing any concerns noted on the surveys.

### **PARKS AND RECREATION**

Pat O'Brien, Director of Parks and Recreation, reviewed present and upcoming activities for his department in his report for Council. Mr. O'Brien advised Council members and staff of a change concerning Arbor Day. Arbor Day will remain on April 19<sup>th</sup>, but the ceremony will be held at 1:00pm rather than 11:00am to avoid any conflicts with Little League Opening Day activities.

### **PUBLIC WORKS DEPARTMENT**

Public Works Director, Lynn Mathews reported that all of the monthly water samples checked out OK. Upcoming projects for his department will include repairing sewer lines, drainage issues, street sign repairs, and tree trimming. His department made one new water & sewer tap this month. Also, the department responded to seven sewer calls and repaired two water leaks.

### **WASTEWATER TREATMENT DEPARTMENT**

Mr. Charlie Hoke, Director of Utilities, noted full compliance for the month. Also, he reported updates on the Water Filtration Plant and Wastewater Treatment Plant upgrades. Mr. Hoke noted that despite recent state budget cuts he has received confirmation of grant funding.

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

Town Planner, Ligon Webb, noted one public hearing for the Planning Commission monthly meeting. This public hearing is in regards to Mr. Mrotek's special use permit request as discussed at the Council work session.

## **OLD BUSINESS**

Rick Black, Town Manager, addressed Council regarding the joint Towns/County meeting. Council and Staff set a date of April 10, 2008 at 7:00pm at Luray Fire Hall.

As discussed at the work session on March 4, 2008, Council will hear a request from Attorney Mark Reed regarding the bond for Fair View Meadows Subdivision. Mr. Reed spoke to Council members and requested an extension of six months in order to develop a phasing plan. **Motion:** Councilman Arrington motioned to approve the bond extension for Fair View Meadows Subdivision; motion seconded by Councilwoman Shifflett with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

Town Manager, Rick Black, asked for Council's suggestions on the Page County Proffer Model. Council members chose to endorse the model but to consider items on a case by case basis.

Assistant Town Manager, Bryan Chrisman, informed Council of the progress on the Greenway- Trail Phase IV. Mr. Chrisman advised that the bid opening was held as scheduled on March 7, 2008. Bids were opened publicly and read aloud. Currently Mr. Chrisman is working with Racey Engineering in reviewing the bids and announcing the notice of award.

## **NEW BUSINESS**

At the Council work session on March 4, 2008; Council heard from Dick Mazziotti regarding his interest in the Luray Airport Commission. Councilman Racer has recommended Mr. Mazziotti for appointment to the Airport Commission. **Motion:** Councilman Racer motioned to appoint Dick Mazziotti to the Luray-Page County Airport Commission; motion seconded by Councilman Menefee with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

Councilman Menefee requested that fellow members revisit the Bluemont Concert Series as discussed under *General Citizen Comments*. Council agreed to contribute \$2000 this year but to revisit the donation in the next fiscal year to revisit issues regarding the series. **Motion:** Councilman Presgraves motioned to authorize a \$2000 contribution to the Challenge Grant application for the Bluemont Concert Series; motion seconded by Councilman Menefee with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

Town Manager, Rick Black, requested that Council set a date for a FY2009 Budget work session. Council and staff plan to meet on Monday, March 24, 2008 at 6:00pm in council chambers.

## **MAYOR'S ANNOUNCEMENTS**

Mayor Dean asked for a motion to sponsor a donation to the Luray High School girl's basketball team for their travel to the state championship. **Motion:** Councilman Arrington motioned to authorize a \$500 donation toward the cost of the bus to transport the basketball team to the state championship; motion seconded by Councilman Menefee with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

**ADJOURN**

There being no further business, Mayor Dean adjourned the regular session of the Town Council at approximately 8:55 pm.

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Mayor Ralph H. Dean

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Danielle P. Babb  
Deputy Clerk-Treasurer