

**A REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF LURAY, PAGE COUNTY, VIRGINIA
Tuesday, October 12, 2010**

The Luray Town Council met in regular session on Tuesday, October 12, 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: Ronald Vickers
Lonnie Arrington
Mary Menefee
Leroy Lancaster
Jerry Schiro
Earl Racer

Also Present: Rick Black, Town Manager
Bryan Chrisman, Assistant Town Manager
Mary Broyles, Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Ligon Webb, Town Planner
Jason Spitler, Town Attorney
Page Campbell, Chief of Police
Pat O'Brien, Director of Parks and Recreation
Charlie Hoke, Director of Utilities
Lynn Mathews, Superintendent of Public Works
Powell Markowitz, Luray Page County Airport
Kenneth Painter, Luray Page County Airport
Briana Campbell, Luray Page County Chamber of Commerce
Byron Baptist- 402 Ninth Avenue, Luray
Cory Church- Luray Triathlon
Vicki Pitts- Luray Garden Club
Page News and Courier

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. All present then recited the United States Pledge of Allegiance.

CONSENT AGENDA

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

Consent Agenda

- A) *Minutes of September 13, 2010 Regular Council Meeting.*
- B) *Minutes of the September 28, 2010 Council Work Session.*
- C) *Financial Report for the period September 1 –30, 2010.*
- D) *Accounts payable checks totaling \$200,034.90.*

GENERAL CITIZEN COMMENT

Vicki Pitts- Luray Garden Club

Ms. Vicki Pitts thanked Council for allowing the new gazebo to be placed on the Greenway and stated that this means a great deal to the members of the Luray Garden Club. Also, Ms. Pitts complimented the new Trailside Restrooms.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray/Page County Chamber of Commerce

Ms. Briana Campbell presented the chamber statistics for the month of September 2010 and noted that phone calls and walk-ins had increased. Ms. Campbell said that she feels this is due to the increase in advertising. Ms. Campbell reminded everyone of the next Business After Hours to be held at the Art Warehouse and stated that this is also the United Way Kick-off Campaign. She also advised Council that the new visitors guide is ready and available in all distribution centers; with 200,000 copies printed. Ms. Campbell also discussed the new events calendar. Lastly, Ms. Campbell provided Council with invitations to the Inaugural Event for the 75th Anniversary of Shenandoah National Park.

Airport Commission

Mr. Powell Markowitz stated that all items for the evening were addressed under *Old Business* on the Agenda.

DEPARTMENTAL REPORTS

POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES

Police Chief, Page Campbell, stated that the total call for service for September totaled 237. Chief Campbell said that he had participated in several calls regarding the severe weather alerts regarding the heavy rainfall in September.

PARKS AND RECREATION

Mr. O'Brien asked to provide a presentation regarding the Luray Triathlon later in the meeting.

PUBLIC WORKS DEPARTMENT

Lynn Mathews, Superintendent of Public Works, gave the report for the Public Works Department. Mr. Mathews said that the department had repaired five water leaks this month and worked on repairing fire hydrants. Mr. Mathews stated that the department had responded to six sewer calls. Mr. Mathews stated that the Fall Clean-Up was nearly finished and thanked the Page County Landfill for providing the containers. Upcoming projects for the department include brush collection, leaf collection, storm drainage work, sign consolidation, trimming roadsides and assisting with paving projects. Mr. Mathews stated that Pettit Paving will soon begin work on Mayre Lane, Bristol Avenue, and Williams Street.

WTP AND WWTP

Charlie Hoke, Director of Utilities, said that items have been turned over to the contractor for corrective action for the Wastewater Treatment Plant. He stated that these were minor items that need to be improved upon. Mr. Hoke said that staff is steadily training on the system and that there are some "punch list items" to be completed by the contractor. Mr. Hoke said that overall the project has gone very well. Also, Mr. Hoke said that the heavy rainfall in September had no effect on the system's operations. Mr. Hoke advised Council that the wastewater treatment plant was compliant for the month.

Mr. Hoke advised Council that there are two items still incomplete on the Water Treatment Plant. Those items are drawings that need to be provided by the contractor and the operators' manual. Mr. Hoke said that a few warranty items are still being taken care of. Overall, Mr. Hoke advised that the plant is operating very well.

PLANNING

Mr. Webb told the Council that there will be one public hearing this month from Laurie Ryman. Ms. Ryman is requesting to utilize the upstairs of her frame shop (located at 7 Campbell Street) as an apartment. Mr. Webb stated that this will also require a certification of occupancy from the Page County Building Official.

Mr. Webb also reminded that at the Council Work session, held on September 28, 2010, Council heard a request from Mr. Byron Baptist regarding a variance on the current animal ordinance. Mr. Webb suggested that Council revisit this issue. Mr. Webb was instructed to review ordinances in other localities that may address the issue of nuisance animal/fowl. He provided council with proposed language that would amend the current animal ordinance if Council chooses to do so. Mr. Webb stated that the intent of an ordinance amendment would be to limit the number of birds that could be released for flight and to address the issue of maintaining a schedule of such events with the Luray Police Department. Mr. Webb stated that he has reviewed approximately twelve other similar ordinances in his research on the issue. Councilman Schiro stated that he believed the proposed ordinance would create difficult compliance issues for the town and code enforcement. Mayor Presgraves stated that the decision before Council is whether to leave the ordinance as is or amend the ordinance. Mr. Byron

Baptist (402 Ninth Avenue) stated that he has discussed the problem with his neighbors and can provide supporting signatures. Councilman Schiro stated that the problem with Mr. Baptist's request is that this opens the door for this activity within the town limits. Mr. Schiro emphasized that this type of activity is not conducive to residential areas such as the Town of Luray. Councilman Arrington said that he understands that the owners may feel these birds are pets. However, he stated that the animal ordinance has been in place for a long time and is effective the way it is currently written. Councilwoman Menefee said that apparently other localities have amended their ordinance and it has worked. Police Chief, Page Campbell, said that he has not reviewed the proposed amendment. He stated that he does not want to see the current ordinance become less restrictive. Chief Campbell said that his department has eleven officers and only one code enforcement officer; therefore it would be impossible to maintain a schedule of training and races with Mr. Baptist. Mr. Campbell stated that his staff has been complemented for their continued efforts in handling nuisance animals/birds. Councilman Vickers said that he is not ready to make a decision at this time that would change the ordinance that is currently in place. **Motion:** Councilman Vickers motioned to make NO changes to the current Animal Ordinance at this time, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Vickers, Arrington, Lancaster, Schiro, Racer NAY: Menefee **Approved 5-1**

PARKS AND RECREATION

Pat O'Brien, Director of Parks & Recreation advised Council that the permeable paver parking lot is now completed at Phase IV of the Greenway. Mr. O'Brien advised Council that a staff and volunteer meeting was held earlier in the day for the Halloween Event on October 30th. Mr. O'Brien stated that as usual a post-event briefing will be provided for the Luray Triathlon event. Mr. O'Brien introduced Ms. Cory Church to give the presentation.

Ms. Cory Church stated that she was in attendance on behalf of David Glover. Ms. Church provided a power point presentation for Council. After her presentation, Mayor Presgraves stated that the Town of Luray has been very pleased to host the event. Councilman Vickers suggested that the Triathlon coordinators reach out to local athletes.

OLD BUSINESS

Luray Caverns Airport

DOAV Master Agreement

Mr. Powell Markowitz discussed the master agreement for the airport. He stated this agreement from the Department of Aviation needs to be renewed. Mr. Markowitz said that the Page County Board of Supervisors will consider this matter at their meeting next Tuesday. **Motion:** Councilman Vickers motioned to accept the DOAV Master Agreement for the Luray Page County Airport, motion seconded by Councilwoman Menefee with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Runway Repair Estimate

Mr. Markowitz discussed estimates for runway repairs and provided a list of bids submitted for the project. Mr. Markowitz explained that the lowest bid was not submitted in accordance with the specified method of repairs. The repairs need to be made using a crack filling method that heats the existing pavement. Mr. Markowitz recommended accepting the bid from Pettit Paving for the repairs. Councilman Schiro specified that the bid Mr. Markowitz is recommending uses the correct method. Mr. Markowitz stated that he is recommending Pettit Paving and is requesting permission from the Town to spend the funds for the project. Mr. Markowitz said the local share of costs is for \$500.00 each from the Town and County. Mr. Markowitz said that the repairs need to be done before winter weather.

Motion: Councilman Lancaster motioned to approve the runway repair estimate from Pettit Paving as presented. Motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Mechanics Office Funding

Mr. Markowitz discussed recent inquiries about hangar rentals. He stated that one inquiry is for housing a turbine aircraft. He said that the problem with this is that the airport does not house the appropriate fuel needed for this aircraft. Mr. Markowitz proposed a solution that would allow the airport to obtain the funds needed to install this type of fuel tank. Any additional costs associated with the tank would be received via donation from this aircraft owner. Mr. Markowitz stated that he does not have a formal proposal for this tonight and that he is optimistic that the remaining hangars will be rented.

Mr. Markowitz stressed that no taxpayer dollars have funded the airport project at this point. He feels that if the airport continues in the direction he hopes that it will begin to profit.

Mr. Markowitz discussed the proposed addition of a mechanic's office. Mr. Markowitz stressed that he believes this is the spark that will lead to more hangars being leased. Councilman Racer asked if a lease agreement has been signed with the mechanic. Mr. Markowitz said that a lease copy has not yet been signed; however he plans to forward a draft copy of a lease to the Town Attorney. Mr. Markowitz said that he is aware that a lease agreement must be in place before the construction funds are spent. The terms of the lease agreement for the space will be \$1000 per month with a provision for the increase in utility costs. The occupant will also pay their own heating bill. The occupant will also employ approximately three individuals.

Councilman Schiro asked if the project can be completed for the \$26,000 estimate. Mr. Markowitz said that Mr. Painter will be overseeing the project and that they intend to utilize inmate labor. Mr. Markowitz advised that the structure is fairly simple but will require approximately \$3000 for engineering fees and \$3000 for contingencies.

Councilman Racer reiterated that the project is contingent upon a signed lease. Mr. Markowitz concurred and added that it is also contingent upon the approval of the Page County Board of Supervisors. **Motion:** Councilman Vickers motioned to approve the mechanics office construction estimate of \$26,000 contingent upon acceptance of the terms of the lease agreement, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

NEW BUSINESS

Nomination to Tree and Beautification Board

Councilman Lancaster nominated Nancy O'Brien to the Luray Tree and Beautification Board. **Motion:** Councilman Lancaster motioned to appoint Nancy O'Brien to the Luray Tree and Beautification Board, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

BPOL Tax Resolution

Mr. Black said that he has received information from various sources about the business, professional, occupancy license tax. The fact is that there has been some movement from the General Assembly to eliminate this tax. Mr. Black would like to be able to send a resolution in favor of the tax. **Motion:** Councilman Racer motioned to support the resolution in favor of the BPOL tax, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

TOWN ATTORNEY'S REPORT

Jason Spitler, Town Attorney, stated that the Rural Development loan is scheduled to close next Friday. Also, he said that the LFCC lease is awaiting signature. Mr. Spitler reminded Council of the Luray Little League meeting on Thursday night at 7:00 pm at Northstar.

ANNOUNCEMENTS/ ADJOURN

Town Manager, Rick Black, said that he will need to RSVP for the annual Chamber of Commerce Banquet. Councilman Racer reminded everyone of the reception at the Art Warehouse on Thursday night.

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 8:22 P.M.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer