

MINUTES
LURAY TOWN COUNCIL
JUNE 12, 2006

The Luray Town Council met in regular session on Monday, June 12, 2006 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 Dean

Council Present: Barry Presgraves Leroy Lancaster
Earl "Rock" Racer William Menefee Gerald Snyder

Also Present:

Jerry Schiro, Town Manager
Rick Black, Assistant Town Manager
Mary Broyles, Clerk-Treasurer
Lynn Mathews, Superintendent of Public Works
Charlie Hoke, Wastewater Superintendent
Page Campbell, Chief of Police
Ligon Webb, Town Planner
Pat O'Brien
Jason Spitler, Town Attorney
Media: 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

Minutes of the May 8, 2006 Regular Council Meeting were submitted for review. **Motion:** Councilman Lancaster motioned to approve the minutes as presented; motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Menefee, Lancaster, Presgraves, Snyder, and Racer.

Approved 5-0

JOINT MEETING OF THE LURAY TOWN COUNCIL AND PLANNING COMMISSION

Minutes of the Joint Meeting of May 25, 2006 were submitted for review. **Motion:** Councilman Presgraves motioned to approve the minutes as presented; motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Menefee, Lancaster, Presgraves, Snyder, and Racer.

Approved 5-0

Draft minutes of the May 10, 2006 Luray Planning Commission Meeting were submitted for review and information only.

PUBLIC HEARINGS

Ligon Webb, Town Planner, stated that this was a Public Hearing to hear comments from interested citizens pertaining to an application submitted by Michael Sherfey and Robert Jenkins to rezone a parcel located at 16 North Lee Street from R-3 (high-density residential) to B-1-C (Business with Conditions). He stated that the site is zoned R-3, and historically has been the location of several professional office activities. Professional office uses are by-right in the R-3 district. The uses that are proposed for the site by the applicants, a mortgage broker office and insurance office, are permitted by-right in the R-3 district. The mortgage broker office will be located on the first floor and the insurance agency will be located in the basement area.

The applicants have expressed an interest in rezoning the property in order to use the B-1 signage standards. Mr. Webb stated that the applicants had submitted a voluntary proffer letter which would run with the property should it be sold. If the subject property is rezoned from R-3 to B-1, the following uses permitted by right in Section 406 of the Town's zoning ordinance will be eliminated:

- a) Retail food store
- d) Laundries and Laundromats
- i) Theaters, assembly halls
- j) Hotels and Motels
- n) Hospital, general
- q) Service Stations
- s) Auto Sales and Service
- t) Lumber and building supply
- v) Machinery Sales and Service
- x) Restaurants
- y) Public Utilities
- z) Commercial Recreation, tourist and scenic attractions
- II) Country Inn

Mr. Webb stated that the rezoning request had been advertised and notices sent out. He has not received any calls or heard any opposition to the request.

Mayor Dean asked if there were any comments pertaining to this rezoning request.

Motion: Councilman Lancaster motioned to approve the application submitted by Michael Sherfey and Robert Jenkins to rezone a parcel located at 16 North Lee Street from R-3 (high-density residential) to B-1-C (Business with Conditions), motion seconded by Councilman Presgraves with the vote as follows: YEA: Council Members Menefee, Lancaster, Presgraves, Snyder, and Racer. **Approved 5-0**

GENERAL CITIZEN AND ORGANIZATIONS COMMENTS

Performing Arts of Luray

Mr. Dale Houff spoke on behalf of the Performing Arts of Luray. He gave a brief informational report on some of the work of that organization. He stated that John Lacava, President of the Performing Arts, appeared before Council about a year and a half ago to update them on the plans of this organization. He stated that they would try to promote the arts in Page County, particularly in Luray, by offering various programs to the public, offering other kinds of educational opportunities to the youth and would try to provide facilities that would enhance that. Mr. Houff stated that they have been very successful in that. They continue to offer educational programs to children and try to get them enthused. They have a new program planned for next year starting in September in which they will have a variety of music, theatre, dance organization, and appearances that will be helpful for this purpose. To better accomplish this, they have just recently signed a contract to purchase the BB&T Building and will close on it in early August. It will require some cost to convert it, and there is a very limited amount of work that we need to do. Mr. Houff stated that having this kind of facility and destination for people in the surrounding area is going to be helpful to local businesses. He stated that they were not asking for any money. Their belief is that they should try to raise the money, with outside funds and grants.

Luray Fitness Center – Off Site Signage

Judy Knizewski spoke on behalf of Luray Fitness Center concerning a sign on a building that they own on a corner downtown. She received a call about a week and a half ago from Rick Black stating that the sign was in violation and would have to be removed. She stated that she did not realize that a sign permit was needed. At the time she opened her business a sign permit was not needed and she has hung numerous signs over the years. She has since filed for a permit. She is requesting an appeal to the violation about the off-premise sign. She felt that the sign was extremely important to the growth of her business and also to the growth of downtown. By having the sign on the building it lets people know that there are other businesses downtown. Mrs. Knizewski presented a slide show of signs around town that she considered to be in violation. She asked for an appeal so she could keep her sign in place. She stated that she had submitted the proper application for the permit and asked Council to consider amending the ordinances.

Ms. Cathy Whitley of Here to There also spoke. She asked Council to consider a change in the ordinance pertaining to signs.

It was the consensus of Council that this should be tabled.

Luray Downtown Initiative

Catherine Stewart spoke on behalf of Luray Downtown Initiative. She stated that doing the Concert Series was part of the legacy project for the Jamestown 2007. She and Pat O'Brien co-chair this project. The first performance featured Betty Booten-Grubbs with a full house of 300 people. The second performance was John Huddleson and the Page Valley Boys with nearly the same attendance. They finished with the Quest for the Stars, the County's performing group and had the same in attendance. Mrs. Stewart said they were not competing with other projects; they just want to continue to promote the arts in downtown. There have been several inquiries regarding future concerts. With Bluemont coming up they do not want to try to do anything this summer, but possibly start something this fall, maybe a four week concert. On the 4th of July they are going to close the street down at approximately 2:00 pm and events will kick off at 3:30 pm and will end with the fireworks at dusk.

TOWN CLERK/TREASURER'S REPORT

Treasurer's Report of Cash on Hand as of June 12, 2006:

Sun Trust Bank:	
General Fund Account.....	\$3,190,773.37
Cash on Hand:	<u>\$ 12,873.32</u>
	TOTAL: \$3,203,646.69
Savings Accounts:	
PVB-FmHA Sewer Plant Sinking Fund.....	\$ 28,788.00

Mary Broyles, Town Clerk / Treasurer submitted to Council for approval, Accounts Payable invoices in the amount of 171,352.23. **MOTION:** Councilman Racer motioned to approve payment of the invoices presented, seconded by Councilman Presgraves with the following council members voting YEA: Snyder, Menefee, Lancaster, Presgraves, and Racer. **Approved: 5-0.**

The Treasurer also stated that enclosed in the Council packet was a memo about the year-end closing of the fiscal year. She requested Council's approval to close the front office to the public on July 3rd, 5th and 6th. Councilman Presgraves motioned to approve the dates for closing the office, seconded by Councilman Snyder with the following council members voting YEA: Snyder, Menefee, Lancaster, Presgraves, and Racer. **Approved: 5-0.**

TOWN MANAGER'S REPORT

Town Manager Jerry Schiro reported that the town has received an additional \$150,000 for the rail depot project which has been appropriated in this current year and will be received after July 1. A meeting with the railroad club as well as the Chamber of Commerce, council members, architect and exhibit designers is planned to receive input regarding the interior build-out of the facility.

Gordonsville is hosting the Living Towns this year and The Town of Luray has been invited to participate. Mr. Schiro will do a power point presentation.

Lord Fairfax Community College has been a very successful project. Enrollment is up for the summer and they are anticipating record enrollment for fall classes as well.

Mr. Schiro stated that he had received clearance from the Historic Preservation Advisory Council in Washington regarding the CDBG Grant and the façade improvements to the downtown area. He will execute the grant agreement from the Virginia Department of Housing and Community Development and return it as soon as possible.

TOWN ATTORNEY'S REPORT

Town Attorney Jason Spitler stated there is ordinance regarding the vacation of the public right-of-way located in the block between Fifth and Sixth Street, and Luray and Fourth Avenues that needs to be formally approved and Council needs to authorize the Mayor to sign the deed. It shall be conveyed to Edward and Loris Cubbage. **Motion:** Councilman Racer moved to approve the ordinance and authorize the Mayor to sign the deed; seconded by Councilman Snyder, with the following council members voting YEA: Snyder, Menefee, Lancaster, Presgraves, and Racer. **APPROVED: 5-0**

DEPARTMENTAL REPORTS

POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES COORDINATOR’S REPORT

Chief Page Campbell submitted a written report of police department activity for the month of May 2006.

Town Manager Schiro pointed out that there were a significant amount of calls regarding the Code enforcement program and John Brice is doing an outstanding job.

Town Attorney Spittler stated with respect to the motor vehicle ordinance, Chief Campbell and his subordinates have been able to handle every single complaint satisfactorily without necessitating a single prosecution.

PARKS AND RECREATION

Pat O’Brien submitted his written report.

Mr. David Glover, event organizer for the Luray Triathlon which was a swim, bike and run event held at Lake Arrowhead on May 14 gave a brief report on the success of the event. There were 460 individuals and relay teams register, 371 started and 352 finished. The feedback from the athletes was very positive.

PUBLIC WORKS DEPARTMENT

Public Works Director, Lynn Mathews reported the monthly water samples were good this month. Along with all the projects they do monthly, there will be a trash pickup June 14th through June 16th and also brush pickup June 22nd & 23rd.

WASTEWATER TREATMENT DEPARTMENT

Wastewater Superintendent, Charlie Hoke stated that the plant is in compliance with all state and federal regulations. He toured the Bath County water filtration plant which is a state-of-the-art facility, micro-filtration systems and it’s the same one that Patton Harris has recommended for the Town of Luray.

TOWN PLANNER’S REPORT

Town Planner, Ligon Webb submitted his written report and stated the last item on page 1 of his report will be discussed under Old Business.

OLD BUSINESS

Town Manager Mr. Schiro stated that included in Council’s packet is a copy of the By Laws that have been drafted for the Page County Industrial Development Authority. There is also a list of the current members of that Authority and a proposed resolution to be adopted by the Page County Board of Supervisors to change the name of that facility to Page County Economic Development Authority. The Authority will be expanded to include seats from Luray, but the expansion of the Authority is going to require an act of the Assembly and that will come later. Currently there are three Luray residents on the Authority.

Town Planner Ligon Webb spoke with regard to Ramsey, Inc. (Meadowlark Subdivision). Last July they applied for a rezoning and the letter sent to them stated that their approval was a "preliminary approval". There were several items the Council wanted the applicant to address before the rezoning was approved from R-1 to R-2. In discussions with Mr. Spittler and the applicant's attorney, it was determined that since there was a preliminary approval and their request was tabled last year. The Code does not allow for provisions of preliminary approval, therefore, the best approach would be to send it back to the Planning Commission to address the issues. He stated that it would probably be a good idea to re-advertise for a public hearing for those issues and take public comment. That would require that the Council make a motion to take this item off the table and then vote to send the item back to the Planning Commission. Mr. Webb recommended that Council do this.

Mark Reed, Attorney for Ramsey, Inc. spoke regarding two issues involved with the rezoning that necessitated going back through the process of starting over again. First of all the advertising didn't meet the Code requirements and the conditional zoning which the ordinance doesn't provide for. The advertising issue should not be a problem, just a matter of re-advertising. On the conditional zoning, Mr. Reed has sent a proffer development agreement to his client for his signature. As soon as he receives the agreement, he will then submit it to the Town. His client does not have a problem removing it from the table and sending it back to the Planning Commission.

This proposed subdivision has about 11 acres in the Town and about 6 acres in the County. The County land right now is zoned industrial and you have to go through the Springview Subdivision to get to this industrial site. Mr. Reed has already filed with the County a rezoning request to rezone it to residential. He anticipates the County will ask during the rezoning if they were going to have town water and sewer available. They need 19 hookups for the proposed lots that are going to be in the County and Mr. Reed proposed that Council conditionally give approval, subject to them doing all the engineering and paying for the costs of putting in the lines and any of the improvements to the Town facilities. Mr. Reed he does not have a problem with Council adding other conditions. He wants to get something to take to the County.

MOTION: Councilman Presgraves made a motion to remove this off the table and send it back to the Planning Commission; seconded by Councilman Racer with the following Council members voting YEA: Snyder, Menefee, Lancaster, Presgraves and Racer. **Approved 5-0.**

Town Manager Mr. Schiro stated that we need a motion authorizing the Town Attorney to review and compose a Letter of Intent to the Council. Motion was moved by Councilman Menefee and seconded by Councilman Lancaster with the following council members voting YEA: Snyder, Menefee, Lancaster, Presgraves and Mr. Racer. **Approved 5-0.**

NEW BUSINESS

Town Manager Schiro stated he had a letter from the Stanley Town Council inviting the Town to participate in their Homecoming and asked Council if they wished to participate. Mr. Schiro is to let the Town of Stanley know that Council will be there for the reception and participate in the parade.

Mr. Schiro also stated that there will be a public hearing scheduled for June 19 at 6:00 pm in the Council Chambers for the Budget and proposed water and sewer facility fees.

He also would like to schedule a special meeting for June 28 at 6:00 pm to formally adopt the budget for 2007, if agreeable with Council.

MAYOR'S ANNOUNCEMENTS

Mayor Dean announced the employee picnic on July 3rd.

ADJOURN

There being no further business to transact, Mayor Dean adjourned the regular session of the Town Council at approximately 8:30 p.m.

Attest:

Mayor Ralph H. Dean

Mary Broyles Clerk-Treasurer