

## MINUTES

### LURAY TOWN COUNCIL

AUGUST 14, 2006

The Luray Town Council met in regular session on Monday, August 14, 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:** Nancy Shifflett                      Lonnie Arrington                      Earl "Rock" Racer  
 Leroy Lancaster                      Mr. Barry Presgraves

**Absent:** William Menefee

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

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 July 10, 2006 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, Lancaster, Presgraves, and Racer.

**Approved 5-0**

#### COUNCIL WORK SESSION JULY 17, 2006

Minutes of the Council Work Session of July 17, 2006 were submitted for review. **Motion:** Councilman Presgraves motioned to approve the minutes as presented; motion seconded by Councilwoman Shifflett with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Presgraves, and Racer.

**Approved 5-0**

## **PUBLIC HEARINGS**

### **A) Rezoning Request RZ06-3**

Ligon Webb, Town Planner, stated this is a rezoning request (RZ06-3) of Ramsey, Inc. It was requested by the applicant to go back through the rezoning process. Last July this was conditionally approved and a letter was sent to the applicant. It appeared that some of the conditions were part of the developing review, which would normally come after a rezoning. Since we do not have a conditional approval process, the applicant agreed to go back through the Planning Commission to examine the issues. In his report, Mr. Webb included the proffer agreement and improvements to Atkins Drive. He stated that he had talked with Mr. Reed, attorney for the applicant, in regards to the improvements to Atkins Drive, which will also include the intersection of the Springview Subdivision at Atkins Drive. At this moment the applicant is petitioning the County of Page to rezone the 6 or so acres in the County and that has been tabled. They hope to proceed shortly. The obvious difference is in lot sizes; you go from 15,000 square feet to 10,000 square feet in R-2. That would be 8 or 9 additional lots. Mr. Webb stated that he had submitted his recommendation and he would be happy to answer any questions.

Mr. Lancaster asked if they should approve this set of the drawings if the County has yet to approve their portion. He asked if Council should wait until it has been approved by the Page County. Mr. Webb stated that they would still have to go through the development review process. He would be bound to the proffers that he has submitted. Mr. Webb stated that from his perspective, the set of proffers do provide some assurances. It might change obviously, but that would be taken care of during the development review, if it is rezoned to R-2.

Mr. Racer asked how the adjoining property was zoned. Mr. Webb replied the adjoining property located in the County is zoned industrial M-1 and in Town, it is zoned R-1.

A discussion followed regarding the curbing and streets. Mr. Webb replied that they would get another chance to comment on the streets during the review process. He said that VDOT would make recommendations concerning necessary improvements.

**Motion:** Councilman Arrington motioned to approve the rezoning from R-1 to R-2; motion seconded by Councilwoman Shifflett with the vote was as follows: YEA: Council members Shifflett, Arrington, Lancaster and Presgraves. NAY: Council member Racer. **Approved 4-1**

### **B) Special Use Permit SUP06-5**

Mr. Webb stated that this is a B-1 zoning district and the applicants, Lauren and Anita Steidel, are seeking a special use permit to construct a single family dwelling on this parcel. This is a one-half acre parcel in the 1100 block of East Main Street. Presently there is a single family dwelling which the applicants wish to demolish and construct the new dwelling. The existing dwelling on the parcel at this moment has some foundation issues. It would be more cost effective to put a new structure there. As part of the approval, the Planning Commission and the applicant was in agreement that any new dwelling on the parcel would be subject to the R-2 setbacks.

**Motion:** Councilwoman Shifflett motioned to approve the application for the special use permit; motion seconded by Councilman Presgraves with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Presgraves and Racer. **Approved 5-0**

### C) Request for Alley Acquisition

The applicants, Phillip and Kelly Lang, 518 Fifth Street, Luray, VA are requesting the following public right-of-way be vacated. There is a 20 foot right-of-way separating Lots 2 and 15. Mr. & Mrs. Lang own Lot 15. Portions of the alley way have previously been dedicated to other people. This section was also dedicated once before but the person did not follow through.

**Motion:** Councilman Racer motioned to approve the request to vacate the public right-of-way; seconded by Councilman Presgraves with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Presgraves, and Racer. **Approved 5-0**

### GENERAL CITIZEN & ORGANIZATIONS COMMENTS

Mr. Powell Markowitz spoke regarding two items that were not on last year or this year's capital improvement plan for the airport. He stated that he had previously briefed Council on a fence for the airport. He stated that the Department of Homeland Security had received a substantial grant for security measures for the State's airports. They found that so many airports were not fenced and felt that would be the best place to spend this money. They have allocated a certain amount of money to the airport, approximately a \$200,000 project. Initially they were told the project was going to be funded 100% by these Homeland Security Funds. He said that they have received bid for the project and now have found that some funding would be needed locally. For the \$200,000 fencing project, it would be approximately 5% each from the Town and County to fence the airport. This project will fence a majority of the property and perhaps, depending on how the funding goes, give some temporary fencing in areas where they are going to acquire additional property and make some improvements. Mr. Markowitz stated that he was here to ask for Council's approval for that funding. He stated that the fencing would improve their exposure to liability at the airport. The Department of Homeland Security is looking at it more from a terrorist standpoint; they are looking at it more from vandalism. He said that eventually the FAA will mandate this fencing and if postponed, it will cost more money. All numbers are preliminary - \$10,000 each from the Town and County would be the worst case scenario according to the engineers.

Mr. Markowitz reminded Council that they had built an apron last year. Disturbing the dirt caused a spring to pop up under the apron and the FAA and State have recommended that it be repaired. He received a bid from APAC who did the original work for \$13,932; the local share will be about \$1,400 each for the Town and County on that project. He said that the water needs to be removed from under the apron prior to winter since freezing and thawing which could cause damage to the apron.

Mr. Presgraves asked about the status of the contract. Mr. Markowitz stated that he had spoke with Mr. Spittler this evening and there is a draft document. Mr. Spittler suggested that he meet with Mr. Shanks before it is presented to Council.

**Motion:** Councilman Racer motioned to table these issues; seconded by Councilman Presgraves with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Presgraves and Racer. **Approved 5-0**

Mr. Markowitz stated there is a meeting on August 31<sup>st</sup> at 4:00 p.m. for the airport layout plan update. It shows some alternatives for improvement to the airport. He also informed Council that the County has appointed Scott Ruffner to the Airport Commission. He asked Council to consider the two items he presented. He stated that they had hoped to get the drain completed this year before winter. He also stated that he did not know the deadline on this grant application for the fencing but it is a possibility that they could lose that funding and the engineers have done a considerable amount of work on this.

Mr. Schiro asked that Mr. David Slye be moved under Citizen's Comments from New Business. Mr. requested two 15 minute parking spaces in front of his business on East Main. He stated that his normal customer length of stay is relatively short compared to neighbor's business. Their customers generally stay there for a considerable length of time. He did not feel that you would need additional signage for the parking spaces.

**Motion:** Councilman Racer motioned to approve one 15 minute parking space; seconded by Councilman Arrington with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Presgraves and Racer. **Approved 5-0**

Catherine Stewart, Director of the LDI, stated that the Virginia Main Street assessment would be next Tuesday. They are working on the second series of Evenings on Main Concert Series. They are looking at the last two Fridays in September and the first two in October. She stated that they were thinking of possibly turning Phase 3 of the Greenway into a haunted, spooky area for Halloween. The children could walk around and then come back up to the Bridge Theater for the traditional Halloween activities, refreshments, etc. She asked Council for their support. A lengthy discussion followed. Ms. Stewart stated they will iron out the details and present them at the next meeting.

A youth from Page County was present to ask if the ban on skate boarding could be lifted. He stated he did not think this was fair.

**TOWN CLERK/TREASURER'S REPORT**

Treasurer's Report of Cash on Hand as of August 14, 2006:

<b>Sun Trust Bank:</b>	
General Fund Account.....	\$2,978,760.33
<b>Cash on Hand:</b> .....	<u>\$ 11,212.44</u>
	<b>TOTAL:</b> \$2,989,972.77
<b>Savings Accounts:</b>	
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 \$196,152.12. **MOTION:** Councilman Racer motioned to approve payment of the invoices as presented with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Presgraves and Racer. **Approved: 5-0.**

**TOWN MANAGER'S REPORT**

**CDBG GRANT**

Town Manager Jerry Schiro reported he would like to acknowledge his appreciation to both Catherine Stewart and Pat O'Brien for assisting with the Gordonsville Living Town's program. He stated that he had received many favorable comments on the presentation. He stated that the town has entered into a contract with Frazier & Associates to provide façade design services for approximately 38 buildings, 3 gateway signs and streetscape improvements. All of these items are included in the grant and the

professional services are covered by the grant. He stated that they will be working with Ms. Frazier on those designs. They have met with two property owners scheduled to receive grant money for upper story residential restoration. They are currently advertising for qualified contractors for the work. It is anticipated the residential component of the program will begin within the next thirty days. The façade improvements will be bid in two packages, with approximately nineteen projects in each. If there are not enough properties and the façade improvement budget has not been met, the excess funds will likely be redistributed to the other properties. There will be deadlines established for the second round of applications in order to avoid hold-ups on completing the Phase 2 bid documents. Unfortunately, Doug Meredith had to postpone the first Management Committee meeting due to a family emergency. Mr. Schiro stated that they would be meeting the first Monday of each month during the duration of the grant which is approximately 2 years.

### **WATER FILTRATION PLANT**

Mr. Schiro stated that they are continuing to work with the vendor for the membrane system (Don Moore @ MemCor). They do not have the test report from John-Hopkins for the Virginia Department of Health's review and approval. This review and approval will take an additional 30 days from the time they receive the test results. Preliminary design documents were sent to structural and electrical engineers for review and comments. He stated that he had met with two lending institutions regarding "bridge" financing for the project. Charlie Hoke has been working with Rural Development and we are also looking at the VML/VACO bond pool as a possible alternative for permanent financing.

Sidewalk work is underway on East Main Street between South Deford and Firehouse Lane. We are replacing that entire section of sidewalk and became somewhat delayed because of the high temperatures last week. Spot paving was completed in various locations and we currently are completing shoulder work on South Court Street.

### **TOWN ATTORNEY'S REPORT**

Town Attorney Jason Spitler stated that a public hearing is scheduled for the County Board of Supervisors for September 19 at 7:00 pm regarding our request for the 60 foot wide parcel which never became a formal right of way adjoining the end of Stoneybrook Lane which provides access to our water treatment plant. He stated that he has also been working on the airport lease. Mr. Spitler also requested to speak with Council in Executive Session regarding personnel, litigation and land acquisition.

### **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 July 2006. He stated that he had included in the packets By-Laws of Central Shenandoah Criminal Justice Academy and a Resolution. The Central Shenandoah Criminal Justice Training Academy is where we actually do our police training from recruit level to specialized in-service training.

**Motion:** Councilman Racer motioned that we adopt the Resolution; seconded by Councilman Lancaster, with the following vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Presgraves and Racer. **Approved 5-0**

Mr. Schiro stated that for the record; let the minutes reflect that this would be Council Resolution 2006-08-01.

Patrolman Brice gave a presentation on Code enforcement. He stated he had spent many hours reviewing these Codes so that they could be enforced and useable.

Mr. Brice stated that code enforcement is basically the responsibility of every member of the Luray Police Department. The tracking and monitoring of Code related incidents falls on him. The first thing he did was establish a database to tract all incidents code related. He worked on codes that really needed to be beefed up; inoperative motor vehicles, barking dogs, etc. and restructured them so they are workable and usable. There were 113 incidents of Code situations that were entered into the database. From April 28 to this date, the primary focus of the Code enforcement has been Section 82-1, 101. Vehicles have been brought into compliance with only 5 summonses being issued. In addition to that, there were a total of 149 Code related incidents that were handled and recorded. The enforcement of the motor vehicle code has been conducted and a systematic sweep of the Town from east to west. Primary focus has been on residential violations. Once the sweep has been completed, the primary focus will be on many other related businesses that have more than their share of inoperative vehicles. To date there have been 355 code related incidents that have been entered into the code enforcement database. Mr. Brice thanked Jerry Schiro, Rick Black, Chief Campbell and Jason Spitler for giving Code Enforcement the support and the tools needed to make it work.

Councilman Racer commended the Chief and his staff on the traffic control during the funeral of Councilman Gerald Snyder on Sunday.

## **PARKS AND RECREATION**

Pat O'Brien submitted his written report and updated Council on the various projects around the town. He stated that he will be hosting a group of Woodstock officials who are coming over to tour the Greenway, look at the mural project, and all the great things Luray has been doing and try to take some ideas back to Woodstock.

## **PUBLIC WORKS DEPARTMENT**

Public Works Director, Lynn Mathews reported all our monthly water samples checked out OK this month. Mr. Mathews updated Council on the projects the Public Works Department had completed during the month.

Mr. Schiro acknowledged the hard work that Lynn and his crew did in relocating the water line for the car wash. They started at midnight and finished up about 10:00 am the next morning. They encountered a lot of problems that they did not anticipate.

## **WASTEWATER TREATMENT DEPARTMENT**

Charlie Hoke, Director of Utilities, stated that they were in compliance with all state and federal regulations. He stated that he had talked with Patton, Harris & Rust and the testing on the new micro filter had passed all the tests and he expects the Health Department to approve the system at any time.

## **TOWN PLANNER'S REPORT**

Town Planner, Ligon Webb submitted his written report and stated he would like to bring Council's attention to the Special Use Permit ordinance amendment that the Planning Commission staff worked on for several months to clarify the policy with regard to Special Use Permits. There will be a public hearing on this Wednesday and it will then be forwarded to the Town Council. The next item is the sign ordinance. He stated that there could be some tweaking to the ordinance. He suggested that he and the Town Attorney review this ordinance and make recommendations to Council. Mr. Webb informed Council of his idea pertaining to the issue of enforcement of the current ordinance. He threw out the idea of having it sort of appear the town would promote "amnesty". The people would bring in their signs to be reviewed and if it is in compliance, they would be told and they could get the proper permits. If it's not allowed, at that time they would be told it is not allowable per our sign ordinance.

Mr. Webb stated that he would proceed with the two minor adjustments to the ordinance and requested Council let him know how they would like to proceed with the signs that are not in compliance.

## **COMPREHENSIVE PLAN RFP**

The deadline for proposals for the update of the Town's Comprehensive Plan is Friday, August 25, 2006. There have been numerous calls from planning consultants inquiring about the RFP. Most want to get further background information about the Town in order to better assess what we are looking for in the updated Comprehensive Plan. The rough estimated received tend to be quite a bit more than anticipated. Mr. Webb stated that there is a lot he can do in-house that would significantly decrease the cost.

Updating the Comprehensive Plan will necessitate the appointment of a Comprehensive Plan Subcommittee. The subcommittee will work in conjunction with the contracted planning consultant and staff in order to synthesize public comments/input into a working Plan. It is recommended that the subcommittee consist of nine members. Because an element of the Comprehensive Plan involves examining long-range growth options in unincorporated areas, it is recommended that a minimum of two County residents serve on the subcommittee. Mr. Webb asked Council to let him know if they would rather appoint individuals to this or just have an open application period. Councilman Racer suggested that it be advertised.

## **MAYOR'S ANNOUNCEMENTS**

Mayor Dean stated that he had received a thank you card from Gladys Rowe and family for the flowers sent to them on the death of her husband. Also received a thank you note for the donation from United Way.

## EXECUTIVE SESSION

Mayor Dean requested a motion to adjourn to Executive Session for the purpose of discussing personnel issues as authorized pursuant to VA Code Section 2.2-3711 A.1 and acquisition of real property pursuant to VA Code Section 2.2-3711 A.3.

Councilman Presgraves motioned to recess the regular meeting and convene in closed session; Councilman Racer seconded the motion with the following council members voting YEA: Council Members Shifflett, Arrington, Lancaster, Presgraves and Racer. **Approved 5-0**

## RECONVENE & ADJOURN

Following the Executive Session, Council reconvened in Regular Session. Council agreed only personnel and real estate matters were discussed during the Executive Session.

Councilwoman Nancy Shifflett motioned that Council have a work session the first Tuesday of each month at 6:00 pm; Councilman Racer seconded the motion with the following council members voting YEA: Shifflett, Arrington, Lancaster, Presgraves, and Racer. **Approved 5-0**

The Town Attorney was instructed to prepare a proposal for a retainer and fees for the Council's consideration at the September meeting.

There being no further business to transact, Mayor Dean adjourned the regular session of the Town Council.

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Mayor Ralph H. Dean

Attest:

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Mary Broyles Clerk-Treasurer