

**A REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF LURAY, PAGE COUNTY, VIRGINIA
Monday, September 13, 2010**

The Luray Town Council met in regular session on Monday, September 13, 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
Danielle Babb, Deputy Clerk-Treasurer
Ligon Webb, Town Planner
Jason Spitler, Town Attorney
Lieutenant Wayne Petefish, Luray Police Dept.
Pat O'Brien, Director of Parks and Recreation
Charlie Hoke, Director of Utilities
Lynn Mathews, Superintendent of Public Works
Catherine Stewart, Luray Downtown Initiative
Pat Racey, Luray Little League
Nathan Strickler, Luray Little League
Page News and Courier
Richard Hoover, Kiwanis
Leah Pettit, Luray High School SCA

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 to remember the events of September 11, 2001. All present then recited the United States Pledge of Allegiance. Mayor Presgraves welcomed the Luray High School students to the meeting.

CONSENT AGENDA

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

Consent Agenda

- A) Minutes of August 9, 2010 Regular Council Meeting.*
- B) Minutes of the August 24, 2010 Council Work Session.*
- C) Financial Report for the period August 1 –31, 2010.*
- D) Accounts payable checks totaling \$368,541.59.*

PUBLIC HEARING

Town Manager, Rick Black stated that the public hearing scheduled for this evening regarding the application for and acceptance of a federal grant to clear runway obstructions had been cancelled.

SPECIAL USE PERMIT: Shenandoah Valley Electric Co-Op

Town Manager, Rick Black, presented the request from Shenandoah Valley Electric Cooperative for the planned construction of a storage facility. Mr. Black explained that the town code requires that a public hearing be held for all construction projects in an M-1 zoned district. The location of the storage facility would be at 2 Mechanic Street.

Mayor Presgraves opened the public hearing for citizen comment.

Joey Sours- 4 Mechanic Street

Mr. Sours asked if there had been any changes in the request since the previous Council meeting. Mr. Black replied that there were no changes made.

With no further comments from the public, Mayor Presgraves closed the public hearing.

Motion: Councilman Schiro motioned to approve the Special Use Permit for Shenandoah Valley Electric Cooperative to construct a storage facility in an M-1 zoning district. Motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

DISPOSITION OF PUBLIC PROPERTY: Lord Fairfax Community College

Mr. Black said that the purpose for the disposition of the property located at 320 North Hawksbill Street is to sublease the facility to Lord Fairfax Community College. The building is currently owned by the Luray Building LLC. Mr. Black stated that the area is approximately 5000 square feet and is the location that has been occupied by LFCC for the past five years. Mr. Black expressed that he would like to see the college stay in this location. Mr. Black also explained that the lease is contingent upon a satisfactory asbestos inspection.

Mayor Presgraves opened the public hearing for citizen comment.

Joey Sours- 4 Mechanic Street

Mr. Sours asked if this was only for a renewal of the current lease, not any additional space. Mr. Black confirmed that the disposition of the property was for sublease to LFCC.

With no further comments from the public, Mayor Presgraves closed the public hearing.

Motion: Councilman Lancaster motioned to approve the Disposition of Public Property for the purpose of leasing the facility to Lord Fairfax Community College. Motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

GENERAL CITIZEN COMMENT

Richard Hoover, Kiwanis- Division 19- Lieutenant Governor

Mr. Hoover stated that he was here on behalf of Division 19 of the Kiwanis club. Mr. Hoover stated that the mission of the Kiwanis is to improve the welfare of children. He explained that the 19th Division is made up of Winchester, Berryville, Front Royal, and Strasburg. Mr. Hoover said that the most recent club was chartered in June and demonstrates what a new club can do. He said that the meetings are being held at the Chamber of Commerce/Luray Depot on Wednesdays. A total of 15 members are needed to fund the club in Luray. Mr. Hoover invited everyone to come to the Chamber of Commerce on Wednesday evening at 6pm. Mr. Hoover concluded his presentation by thanking Council.

Leah Pettit, Luray High School SCA

Miss Pettit came before Council on behalf of the Luray High School Student Council Association to request street closures for the Homecoming Parade. Miss Pettit, Council, and Staff discussed several possible routes.

Lieutenant Wayne Petefish stated that the police department did not have enough manpower to close streets for the longer route, which includes the closure of East Main Street from the intersection of Reservoir Avenue to Broad Street to the football field. Lt. Petefish recommends a shorter route from Luray Middle School past Domino's Pizza and then onto the football field on Route 340. Mayor Presgraves suggested a compromise of utilizing Firehouse Lane to East Main Street and then onto Broad Street toward the football field.

Motion: Councilman Vickers motioned to approve the parade route for the Luray High School Homecoming Parade utilizing Firehouse Lane to East Main Street. Motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Luray Little League: Pat Racey

Mr. Pat Racey spoke on behalf of the Luray Little League. He stated that he would like to see the success of the most recent tournament continue. Mr. Racey proposed putting together a Marketing and Management Committee that would be jointly staffed by the Town Council, Luray Parks and Recreation Department, and Luray Little League Personnel. Mr. Racey said that he hopes to get back the same tournament for next year and to host some additional tournaments. Mr. Racey said that he, along with

the league, will be working on a cost assessment for the overages on the construction project. Mr. Racey would like to come back to Council and review this information at the Council Work Session. Mr. Racey stated that as a follow-up to the luau event, he would like to see another fundraiser to address the naming rights for field #5. Mr. Racey stated that there is a full membership meeting coming up and the facilities will be discussed then. Council is invited to attend. Mr. Racey stated that the Little League Board would like to offer a seat to any member of Council that would like to serve.

Councilwoman Menefee stated that the tournament this summer was great! She asked Mr. Racey what the Marketing and Management Committee means to him. Mr. Racey stated that this was just a concept at this point and the mission would be to manage the facilities. Mayor Presgraves emphasized that more than one event per year was necessary to make the project worthwhile! Mr. Nathan Strickler stated that he foresees approximately four tournaments for next year. Mr. Racey questioned when those teams would have a date commitment. Mr. Strickler stated that usually by February the tournaments are being scheduled. Mr. Racey also said that a fee schedule for the facilities would need to be compiled. Councilman Arrington said that we would need to research who can be charged for the use of the facilities.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Catherine Stewart, Executive Director, thanked all those that attended the cash party. Ms. Stewart reminded everyone of the first Chili Cook-Off and Cruise In to be held on September 25, 2010. Ms. Stewart said that there has not been a lot of response for the Chili Cook-Off due to the stringent health regulations. She said that 6-7 teams are anticipated and the time for the event is from 10:00am until 6:00pm. Ms. Stewart said that the event has been heavily marketed but that there has still not been a good response.

Luray/Page County Chamber of Commerce

Mayor Presgraves stated that Briana Campbell was ill and could not be at this evenings meeting. He said that he had received a report via e-mail but did not have a copy readily available.

Airport Commission

Mr. Black stated that he has a report to give regarding the Airport Commission. Mr. Black stated that the master agreement is about to expire for accepting federal grants. The deadline is October 15, 2010 and that Council should address this at the upcoming work session. Mayor Presgraves said that Council has received a copy of the hangar rental summary from Page County.

DEPARTMENTAL REPORTS

POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES

Lieutenant Wayne Petefish stated that all items were covered in the written report provided for Council. The only other item of business was a request from Chief Page Campbell to move the observance of

Halloween from Sunday the 31st to Saturday October 30th. Pat O'Brien, Director of Parks and Recreation, stated that October 30th is the date scheduled for the Halloween Event at the Ralph H. Dean Recreation Park. Council concurred to move this to October 30, 2010; Mr. Black stated that he would advertise this accordingly in the Page News and Courier.

PARKS AND RECREATION

Mr. O'Brien, Director of Parks and Recreation, provided Council with a handout regarding feedback from the triathlon. Mr. O'Brien said that he hopes to have a triathlon representative at the next meeting to review the event.

Mr. O'Brien said that the trailside restrooms should soon be open to the public. He stated that it would be beneficial to hold a ribbon cutting ceremony.

Mr. O'Brien discussed recent vandalism at the Greenway; which included a portable toilet being burned and other materials being thrown into the creek. Mr. O'Brien estimates the damages at approximately \$2500.

Councilman Schiro asked who is sponsoring the last concert of the season featuring Clarence Turner. Mr. O'Brien replied that this is a group effort between the Town, LDI, and PALS.

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 repaired the water line behind the dam on Linden Avenue. Mr. Mathews said that the department had also installed a two-inch water line on Hilltop Avenue and was working on flushing fire hydrants. Mr. Mathews stated that the department had responded to four sewer calls, repaired two laterals, and installed cleanouts. Upcoming projects for the department include brush collection, junk collection, hanging fall banners, storm drainage work, sign repair, and assisting with continued paving.

Councilwoman Menefee asked how much of the repairs at the dam were charged to the town. Mr. Black stated that the dam repairs were done by the property owner. Mr. Mathews stated that the cost of the water line repairs and associated manpower were the only costs to the town.

WTP AND WWTP

Charlie Hoke, Director of Utilities, stated that the microfiltration plant is running well and that the floors have now been refinished. Mr. Hoke said that Fielder's Choice is working on the storm water pond, survey work, and installing the yard light. Mr. Hoke said that the work is moving along and only those few items remain. Overall, Mr. Hoke said the system is running very well.

Mr. Hoke advised Council that the wastewater plant renovations are coming to a close. Mr. Hoke advised Council that the wastewater treatment plant was compliant for the month.

Town Manager, Rick Black advised that at 1:00 pm on Wednesday, Mr. Hoke will be giving Council a tour of the water and wastewater facilities.

PLANNING

Mr. Webb told the Council that zoning permits were low this month with only eight issued. Mr. Webb said that there were two items not included in his written report; Century Luray and Cigarette Stamps. Mr. Webb said that Century Luray is submitting an application with Page County to rezone the property off of Reservoir Road. Mr. Webb said that the town will need to have some sort of agreement regarding town water and sewer infrastructure. Mr. Webb also notified Council that cigarette stamp collections are going well and that he has ordered another million stamps.

OLD BUSINESS

Proposed Code Amendments

Chapter 74, Section 114, Size and Posting Requirements

Town Manager Black stated that included in Council's packet is an amendment to the 911 Addressing Ordinances. There is a bit of conflict between the town and county ordinances. The town is requiring that lettering be 4 inches or more. The County requirement is 3 inches for residential and 5 inches for commercial. Mr. Black believes that the 4 inch requirement for the town will be acceptable for both commercial and residential facilities. The ordinance also requires that the lettering be permanent and distinguishable from the roadway.

Motion: Councilman Lancaster motioned to approve the Code Amendment to Chapter 74, Section 114, Sizing and Posting Requirement for 911 Addressing. Motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Chapter 86, Section 3, Town Control of Water and Sewer Lines

Mr. Black provided Council with an ordinance to address most issues that exist regarding the Town's water and sewer system. Mr. Black explained that the last paragraph has been the area requiring the most work. Mr. Black stated that the ordinance provides the town the right to work with the property owners to get things done. Councilman Racer complemented the author(s) of the ordinance. Councilman Schiro agreed and stated that he appreciates the effort that went into the amendment.

Motion: Councilman Racer motioned to approve the Code Amendment to Chapter 86, Section 3, Town Control of Water and Sewer Lines. Motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

NEW BUSINESS

Luray Landing: Proposed Second Amendment

Town Manager, Rick Black, discussed the proposed second amendment to the Luray Landing Development - Section 1. Mr. Black said that the developer (Baker Development Partnership) is still the owner of all lots in this section; no lots have transferred in ownership. Mr. Black explained that Council does not need to vote on this at tonight's meeting. Councilman Lancaster asked if this will go before the Luray Planning Commission. Mr. Black explained that Council can discuss this more at the work session and that the Planning Commission will review this at the Wednesday night meeting.

Virginia Avenue (Route 340 South) Speed Limit

Mr. Black stated that he has received a request to review the speed limit at Linden Avenue/Virginia Avenue (Route 340 South). Councilman Lancaster suggested that the 35mph speed limit sign be moved prior to Linden Avenue. Mr. Lancaster explained that traffic needs to slow down before the new parking lot at Phase IV of the Greenway. Council and staff discussed moving it back even farther; however that would require working with VDOT for the portion that is in the county. Mayor Presgraves suggested staff go with Mr. Lancaster's original plan of moving the sign just before Linden Avenue. Assistant Town Manager, Bryan Chrisman, agreed that this would be a good start.

TOWN ATTORNEY'S REPORT

Jason Spitler, Town Attorney, stated that first he would like for Council to approve the deed of boundary agreement for Harrison Holdings. This piece of property is located where the Luray Welcome Sign is on Route 340/Broad Street. Mr. Spitler reminded that no public hearing was needed on this since the property was a deed of gift.

Motion: Councilman Lancaster motioned to approve the deed of gift from Harrison Holdings. Motion seconded by Councilwoman Menefee with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Town Attorney, Jason Spitler, stated that the closing with Rural Development for the Water Plant is currently scheduled for September 22, 2010. Ms. Carolyn Perry and Mr. Jim Allen have indicated that the interest rates may be lowering again. Therefore the closing date may be put off again in order to obtain the lower interest rate.

EXECUTIVE SESSION

Personnel, Section 2.2-3711.A.1 (Appointment of Town Officials)

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing Section 2.2-3711.A.1. **Motion:** Councilman Racer motioned to recess the regular session and to convene in executive session; Councilman Lancaster seconded the motion with the following members voting YEA: Council Members Vickers, 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 Vickers seconded the motion with the following members voting YEA: Council Members Vickers, 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 matters covered under Section 2.2-3711.A.1 were heard, discussed, or considered during the closed session. **The roll was called with all members certifying “Yes”.**

Appointment of Town Officials

Town Treasurer

Motion: Councilman Lancaster motioned to reappoint the Town Treasurer, Mary Broyles, for a term of two years. Motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Town Attorney

Motion: Councilman Schiro motioned to reappoint Jason Spitler as Town Attorney for a period of two years. Motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Town Manager

Motion: Councilwoman Menefee motioned to reappoint Rick Black as Town Manager for a term of two years with a cap of \$400.00 per month for vehicle allowance. Motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro NAY: Racer. **Approved 5-1**

Mayor Presgraves stated that a proposal had also been submitted from Charles A. Butler for legal services; no action was taken on this proposal.

ANNOUNCEMENTS/ ADJOURN

Councilman Arrington asked if the timers had been installed on the depot lights. Mr. Black and Mr. Chrisman verified that they have been ordered but not yet installed. Councilman Racer said that with the wave of recent vandalism he thinks this is a bad idea. Councilman Lancaster agreed with Mr. Racer on this. Councilman Lancaster and Mayor Presgraves agreed that this building should not be put in the dark. Town Manager, Rick Black, said that the timers can be adjusted however Council chooses. Council and staff discussed more police presence and security cameras to address vandalism. Mayor Presgraves reminded of the vandalism at the skate park. Councilman Racer emphasized that we do not need something technically savvy or state of the art in terms of security cameras; but something would be good.

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 9:10 P.M.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer