

**A REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF LURAY, PAGE COUNTY, VIRGINIA
Monday, July 12, 2010**

The Luray Town Council met in regular session on Monday, July 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, Clerk-Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Ligon Webb, Town Planner
Jason Spitler, Town Attorney
Page Campbell, Chief of Police
Lynn Mathews, Superintendant of Public Works
Charlie Hoke, Director of Utilities
Luray Planning Commission Members
Briana Campbell, Luray Page County Chamber of Commerce
Catherine Stewart, Luray Downtown Initiative

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 and then recited the United States Pledge of Allegiance. Mayor Presgraves welcomed newly elected Council Members; Mary Menefee and Ronald Vickers.

CONSENT AGENDA

Consent Agenda

- A) *Minutes of June 14, 2010 Regular Council Meeting.*
- B) *Minutes of June 29, 2010 Work Session.*

- C) Financial Report for the period June 1 –30, 2010.*
- D) Accounts payable checks totaling \$432,538.91.*

GENERAL CITIZEN COMMENTS

Roger Fox- Bristol Avenue, Luray

Mr. Fox asked Council if laws could be made to make helmets mandatory for those who ride scooters. Also, he asked if he is allowed to ride his scooter on the 211 Highway. Mayor Presgraves said that helmet laws are usually made by the state. Chief Campbell asked Mr. Fox to come in and he would take a look at his scooter. Chief Campbell explained that driving on the highway is determined by the type of scooter one owns. Mayor Presgraves thanked Mr. Fox for his comments.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Mayor Presgraves complimented the July 4th event on the Greenway. Catherine Stewart thanked the town departments for their help with the event. Ms. Stewart said that new maps had been displayed in all kiosks and that the Luray Caverns kiosk was now complete. Ms. Stewart also discussed a meeting that was held last Friday regarding the Page County Road Race. A flyer was provided to Council regarding the race and Luray Downtown Initiative will provide information to participants of the event. Catherine Stewart reminded Council of the LDI cash party coming up in September. Ms. Stewart noted that during a merchants meeting held earlier in the day, merchants asked if music could be performed on Main Street. Town Manager, Rick Black, stated that there were no rules against this activity. Mr. Black reminded that the sidewalks should not be inhibited due to pedestrian traffic.

Luray Page County Chamber of Commerce

President of the Chamber, Briana Campbell, stated that the statistics for phone calls and walk-ins are up for the chamber. She noted that some statistics are down; however more travelers are gaining information online. Ms. Campbell said that the total membership is now up to 430 businesses; up 17 from last month. Ms. Campbell said that this increase is in part due to the “Invitation to Join” letters that went out recently. Lastly, Ms. Campbell reminded everyone of the upcoming business after hours to be held at the Shenandoah Speedway.

Luray Page County Airport Commission

Mayor Presgraves stated that Mr. Powell Markowitz would not be attending the evenings meeting and there would be no report.

DEPARTMENTAL REPORTS

POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES

Chief Page Campbell stated that there were 283 total calls for service for the month of June 2010. Mr. Campbell updated Council on the statistics for the first half of the calendar year 2010. Chief Campbell reported that his department had just finished up participating in the Click-It-Or-Ticket campaign. He noted that nearly all grant funds provided for overtime had been utilized on the project. Also, Mr. Campbell stated that grant funds had been used to purchase a photo ID system to produce identification badges for town employees.

PARKS AND RECREATION

Mr. O'Brien was not present at the evenings meeting, however a written report was provided for Council. Mr. Black said that the permeable paver parking lot at the Linden Street Bridge (Greenway-Phase IV) is currently being installed. This project is 100% grant funded and should be completed within a few weeks. Mr. Black reminded Council of the open house at the Ralph H. Dean Recreation Park to be held on Saturday, July 17th from 11:00am until 2:00pm. Also, on July 17th there will be a fundraising Luau held at Luray Caverns for "Project Softball". Mr. Black also reminded of the upcoming cycling road race. Councilwoman Menefee asked when the trailside restrooms would be complete. Mr. Black stated that the town is waiting on Shenandoah Valley Electric Cooperative to install the electric service for the facilities. Lastly, Mayor Presgraves complemented the Fourth of July fireworks display.

PUBLIC WORKS DEPARTMENT

Lynn Mathews, Superintendent of Public Works, stated that the department repaired four water leaks. The department has continued to repair fire hydrants this month and will be repainting them in the fall. Also the department responded to three sewer calls this month. Upcoming projects for his department include storm drainage work, sign repair, trimming roadsides, and paving. Mr. Mathews said that the department would also be replacing a water line on Hilltop Drive.

WTP AND WWTP

Mr. Hoke advised Council that the major upgrades at the wastewater plant are complete but some work is finishing up. Mr. Hoke said that the major work remaining is to clean the tanks and install the new jet/aeration system. Mr. Hoke stated that the project will close out within the next two months. Mr. Hoke advised Council that the wastewater treatment plant was compliant for the month.

Charlie Hoke, Director of Utilities, said that the Water Treatment Plant is looking very nice and nearly ready to be taken over. He said that the floor refinishing has gone well and some trim work remains. Mr. Hoke said that when complete the facility will be very nice. Lastly, Mr. Hoke advised all samples in the distribution system came back negative.

Councilman Schiro questioned the utilization of the plant and other water sources. Mr. Hoke discussed the town's water supply and spring usage.

PLANNING

Mr. Webb told the Council that there would be one public hearing at the next commission meeting for a special use permit request from Leroy Miller. The request is to construct a single-family dwelling on a B1 zoned lot. Mr. Webb stated that the commission meeting had been pushed back until Wednesday, July 21, 2010 to allow for new appointees to prepare for the meeting.

Mr. Webb also provided Council with a report/visual mapping of the zoning permits issued for the prior month. Mr. Webb plans to provide this report monthly to Council.

Mr. Webb presented Council with summary charts for recycling collection totals. Councilman Lancaster suggested putting these charts in the Page News and Courier to attract additional participation in the recycling program. Mr. Webb stated that Larry Wilson, Public Works employee, does a great job with the recycling collection!

OLD BUSINESS

Luray Landing: Proposed Amendment to Master Plan

Town Manager, Rick Black, advised Council of the letter received from Baker Development regarding the addition of two building lots. Mr. Black provided Council members with copies of correspondence from Baker Development in Council's packets. Mr. Black suggested that Council consider this information during executive session.

Town Code: DRAFT Amendment to Section 86-3. (Utilities)

Town Manager, Rick Black, discussed a potential amendment to the Town Code, Section 86-3. The Town currently has some issues regarding sewer lines that cross other properties; therefore this amendment was compiled to address the problem. Councilman Schiro questioned the last paragraph concerning adjacent lots. Mr. Schiro feels that the private citizen will have difficulty in correcting a problem on another owners land. Mr. Schiro emphasized that the Town is in a better position to handle this, rather than the private citizen. Councilwoman Menefee asked how the problem is currently resolved. Mr. Black stated that the town has not been going on private property to fix problems. Councilman Schiro questioned how property owners are going to solve these issues without some assistance from the town. Mr. Schiro said that the town could not leave those customers in a lurch to take care of the problem. Councilman Lancaster reminded that some instances of this may be covered under the deed of ownership for the property. Town Attorney, Jason Spitler, advised that the Town does not have the right to go on private property without an easement; however, he agreed that the town is in a better position to negotiate a solution than a private owner. Councilman Schiro asked if there was a provision for public service utilities to have a right to maintain their system. Mr. Schiro emphasized that the town has a responsibility to its customers. Councilman Arrington stated that other localities must have the same issue. Assistant Town Manager, Bryan Chrisman, said that other localities handle

this on a case by case basis. Lynn Mathews, Director of Public Works, stated that it is always better to try to repair the existing line than reroute the line altogether. Mr. Mathews said that rerouting lines is more expensive to the town and the customer. Councilman Racer advised staff to take more time to clarify this proposed ordinance amendment.

NEW BUSINESS

Planning Commission Nominations

Mayor Presgraves advised that there were five appointments to be made to the Planning Commission.

- Councilman Vickers appointed Ronald Good.
- Councilman Arrington reappointed Clifton Campbell.
- Councilwoman Menefee reappointed Larry Hakel.
- Mayor Presgraves appointed Pamela Flasch.
- Councilman Lancaster stated that he did not have an appointment at this time.

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

Mayor Presgraves reminded that other commissions and committees will have vacancies also and that Council should begin considering new members for those.

TOWN ATTORNEY'S REPORT

Jason Spitler, Town Attorney, advised Council that the only business he had for the evening would be best suited for executive session.

EXECUTIVE SESSION

Legal Matters, Section 2.2-3711.A.7 (*Actual or Probable Litigation*)
Real Property, Section 2.2-3711.A.3 (*Acquisition or Disposition of Real Property*)

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing Sections 2.2-3711.A.7 and 2.2-3711.A.3. **Motion:** Councilman Lancaster motioned to recess the regular session and to convene in executive session; Councilman Racer 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; Councilwoman Menefee 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 matter covered under Section 2.2-3711.A.3 was heard, discussed, or considered during the closed session. **The roll was called with all members certifying “Yes”.**

ANNOUNCEMENTS/ ADJOURN

Mayor Presgraves appointed Councilman Vickers to the Northern Shenandoah Valley Regional Commission. Also, Mayor Presgraves stated that the town has an opening on the LDI Board of Directors. Mayor Presgraves stated that Councilman Schiro had expressed an interest; therefore he would like to appoint him to serve on the board of directors. Mayor Presgraves said that Council members also would need to vote on a successor to former Councilman Menefee who served as the President of Council. **Motion:** Councilman Schiro nominated Councilman Leroy Lancaster to hold the position of President of Council, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Schiro, Racer. **Approved 5-0**

Town Attorney, Jason Spitler, asked Council to consider a motion authorizing staff to go ahead with the execution of the deed of sublease for Lord Fairfax Community College with one exception to the term ending date; the term should end June 30, 2014. **Motion:** Councilman Arrington motioned to approve the Lord Fairfax Community College lease agreement as presented, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 8:47 P.M.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer