

**MINUTES OF A TOWN COUNCIL WORK SESSION  
TOWN OF LURAY, VIRGINIA  
Tuesday, September 28, 2010**

The Luray Town Council met in a work session on Tuesday, September 28, 2010 at 5:30 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  
Pat O' Brien, Director of Parks and Recreation  
Page Campbell, Chief of Police  
Jason Spitler, Town Attorney  
Byron & Barbara Baptist- 402 Ninth Avenue, Luray  
Powell Markowitz, Luray Airport Commission  
Page News & Courier**

The meeting was called to order by Mayor Presgraves and everyone recited the Pledge of Allegiance to the flag.

**Changes or Additions to the Agenda**

Mayor Presgraves asked if there were any changes or additions to the agenda. Town Manager, Rick Black, requested to discuss security cameras.

**Town Planner Report**

**Proposed "Century Luray" Development**

Town Planner, Ligon Webb discussed the proposed Century Luray Development rezoning application and reviewed his draft letter to Page County. Staff provided Council with a copy of this letter. Mr. Webb stated that he had excluded the portion of the letter that would request a friendly boundary line adjustment with Page County. Mr. Webb also discussed that a formal water and sewer analysis would be needed for

the project. Mr. Webb stated that the developer would need to contact VDOT regarding road improvements. Council and Staff discussed traffic issues within the project area. Council also reviewed a letter from Janney and Janney, PLC regarding the details of the rezoning application.

Councilman Racer expressed concerns over traffic issues and over the lot sizes. Councilman Schiro questioned if the applicant/owner would be willing to consider fronting funds for the expenses associated with infrastructure improvements. Mr. Schiro said that if the applicant/owner was willing to do this, a friendly boundary line adjustment with Page County would be beneficial. Mr. Schiro reminded of the amount of tax revenue that could be generated from the development and that it would be best if the town had control over the water and sewer infrastructure. He also reminded that most likely the town would be responsible for providing some level of police patrol and other services. Councilman Racer agreed that the tax revenue would be beneficial and would outweigh the cost of services by town staff.

Councilwoman Menefee asked what would be the next step in the applicant's process. Mr. Webb stated that the applicant will now go before the Page County Planning Commission and then on to the Page County Board of Supervisors before year end.

Councilman Arrington then expressed concerns over the sewer infrastructure in that area. Mr. Arrington stated that he feels significant improvements would need to be made to upgrade the sewer lines. Councilman Schiro said that the town should not have to bear the expense of these upgrades and should go over these considerations with the applicant. Councilman Arrington commended Mr. Webb for his work on this project. Mr. Webb stated that he will keep Council informed on the progress of the rezoning application.

### **Virginia Chapter of the American Planning Association Conference**

Ligon Webb, Town Planner, discussed the recent Virginia American Planning Association Conference that was held in Luray. He said that approximately 120 participants were in town for the conference. He noted that many stayed overnight at the Mimslyn Inn and that they were given tours of both Luray Caverns and the Luray Hawksbill Greenway. Mr. Webb said that the event went very well and that many conference attendees plan to return to Luray in the future.

### **Town of Luray Bicentennial**

Mr. Webb stated that he has volunteered to come up with some ideas for the Luray Bicentennial to be celebrated in 2012. Mr. Webb is currently working on branding, logos, etc. Mayor Presgraves said that we should put our best foot forward in working ahead on this celebration.

### **Animal Ordinances**

#### **Byron Baptist- 402 Ninth Avenue**

Mr. Byron Baptist came before Council to request a variance on the animal ordinance. Mr. Baptist was issued a summons by the Luray Police Department and was convicted in District Court regarding the nuisance animal ordinance. Mr. Baptist said that he would like permission to fly and train racing pigeons at his residence. Mr. Baptist said that he has been informed that the Code of Virginia refers to pigeons as nuisance birds. Mr. Baptist said that wild pigeons could be a nuisance, however his pigeons are different. Mr. Baptist said that he is uncertain how other towns/cities handle this issue. He feels certain they must have an ordinance variance to accommodate this.

Councilman Arrington asked Mr. Baptist to explain what a racing pigeon is. Mr. Baptist said that the birds are specially bred and are similar to the carrier pigeon. Mr. Baptist explained that this is a hobby. Councilman Racer asked if they were immediately distinguishable from wild pigeons. Councilman Vickers asked if the return rate for a race is 100% for his birds. Mr. Baptist said that some birds are lost, however most return.

Councilman Schiro explained that the intent of the animal ordinances is to ensure that fowl do not create a health issue and to be sure that they don't stray onto other properties. Mr. Schiro said that modifying such an ordinance would not address these concerns. He explained that Council will need to look at how Mr. Baptist can assure them that these problems are not going to happen. Mr. Schiro said he is uncertain how the ordinance can be modified to allow for this activity. Mr. Baptist replied that usually pigeons stay where they are raised and do not go onto other properties. Councilman Schiro said that if the ordinance is changed it must still be distinguishable and enforceable and he is just not sure how Council can do that.

Councilwoman Menefee suggested that Council and Staff review how other towns address the issue. Mr. Webb stated that most localities place a limit to the number of birds one can own. Mayor Presgraves asked Mr. Baptist how many birds he owns. Mr. Baptist said that he has about 75 racing birds and approximately 50 breeders.

Councilman Schiro asked Chief Campbell what prompted the charges. Chief Campbell stated that the birds have become a matter of recent complaints. Councilwoman Menefee said that she is a neighbor and has had no personal problems with the birds. Chief Campbell said that the birds have created problems for other residences and that he also has photographic evidence of the birds on other properties. Mr. Campbell explained that the problem is not necessarily with the birds being owned or raised by Mr. Baptist, but with them being turned loose. Chief Campbell stated that the department had attempted to work with Mr. Baptist and to obtain a schedule of the races so that neighbors could be informed in the event of complaints; however the department did not receive any information.

Mr. Baptist stressed that the birds do not defecate while flying, nor do they land on other neighboring homes. Mr. Baptist said that if this were a problem he had hoped to work it out with his neighbors.

Councilman Arrington said that this ordinance has been in place for many years and in his experience has kept things under control for all of those years. Mr. Arrington said that he just does not see any way that this ordinance can be changed. Mr. Baptist reiterated that he wants a variance specifically for racing pigeons. Councilman Schiro agreed with Councilman Arrington and said that Mr. Baptist lives in an area that is not conducive to this sort of hobby. Mr. Schiro said that Council's first responsibility is to consider the safety, health, and welfare of the residents of the entire area. Mr. Baptist said that he has had this hobby for the past 17 years with no complaints and does not understand why there are now complaints happening.

Councilwoman Menefee asked if a decision could be postponed until Council can determine how other localities are handling the issue. Councilman Schiro said that he is willing to let staff gain additional ordinance information. Town Attorney, Jason Spitler, spoke on this issue and clarified that the violation occurs when Mr. Baptist allows the birds to leave his property and run at large. Mayor Presgraves concluded the discussion by stating that Council could defer making a decision until the October Council meeting.

## **Security Cameras**

Pat O' Brien, Director of Parks and Recreation, addressed the need for security cameras due to the recent wave of vandalism. Mr. O'Brien said that basically there are two approaches; a high cost security company vendor; or the purchase of a smaller security system operated by town staff. Council concurred that they would prefer a less costly system. Chief Page Campbell said that the issue has been discussed but that now is the time to implement a system. He said that the best place to start with a system is in the areas where problems are occurring; such as the Recreation Park, Skate Park area, Ruffner Plaza, and Greenway trail. Chief Campbell said that the Town has been very fortunate that the dollar amount of vandalism has been relatively low. Chief Campbell said that now is the time to take action with the addition of new facilities by the town. Both Chief Campbell and Mr. O'Brien said they are basically asking for Council's approval of implementing a system. Mr. O'Brien emphasized that the Town of Luray has put a great deal of funds into its parks system and that it would only take a small amount of money to help protect it. Councilman Schiro agreed that the town has spent a great deal of money on these structures and needs to give this effort a try. Mr. Powell Markowitz stated that the airport had recently installed a system for very little money and that Mr. O'Brien may want to check into the same type of system. Mayor Presgraves stated that Council's consensus was to proceed with a security system. Mr. O'Brien reminded that preventing the cost of one incident would nearly cover the cost of a system.

## **Luray Caverns Airport: DOAV Master Agreement**

Mr. Powell Markowitz presented information on the DOAV Master Agreement. He reminded that the airport is owned 50/50 between the Town of Luray and Page County. He explained that the funding for airport projects is typically 90% grant funded, 8% DOAV funded, and the remaining two percent split between the town and county. Mr. Markowitz provided Council with a summary on the hangar rentals and the associated revenues.

Mr. Markowitz discussed the Airport Capital Improvement Plan that includes negotiations to acquire approximately ten acres on the east side of Airport Road. Mr. Markowitz said that he hopes to have a ruling on this soon and for an offer to be made to the land owner. He stated that this would allow for the roadway to be moved to accommodate the runway. Mr. Markowitz said that the cost of relocating the roadway would be somewhere in the range of 3.7 million. Mr. Markowitz stated that in 2012-2013 the runway would need resurfacing, with future plans of extending the runway.

Mr. Markowitz said that current maintenance projects include crack sealing the runway, which is state mandated. The approximate cost for this is \$5,000 dollars with a cost of \$500 each for the town and county.

Mr. Markowitz stated that Council has a copy of the DOAV Master Agreement and that he will be asking for Council's approval on this.

Mr. Markowitz discussed the process of hangar rentals. He said that Mr. Kenneth Painter collects the rents for the hangars. They are then submitted to Ms. Amity Moler at Page County to account for. He also said that the Economic Development Authority is an intermediary for the loan on the hangars. Mr. Markowitz reviewed the payment summary of rents and interest payments.

Mr. Markowitz also discussed plans for future spending of approximately \$26,000 for the addition of an office. The office space would be necessary for a mechanic that would occupy one of the larger hangars; potentially two large hangars. Mr. Markowitz said that the FAA requires that the mechanic have an office

for record keeping on the premises. In addition to creating rental revenues it would also create business for the mechanic and future hangar rentals. Mr. Markowitz stressed that having a mechanic at the airport is the catalyst to renting additional hangar units.

Councilman Schiro suggested that before making such a commitment that the airport has some assurance of a mechanic renting the space. Mr. Markowitz advised that the mechanic would be willing to sign a lease. Mr. Schiro said that some kind of document should be signed upfront before spending this kind of money. Mr. Markowitz said that the future tenant would be willing to talk with Council. Mayor Presgraves asked how this would be funded. Mr. Markowitz stated that the funds would be pulled out of reserves. Currently, if hangar rentals do not increase the deficit will continue to take away from the reserve fund. Mr. Markowitz advised that the goal is for the rentals to reach a breakeven point. Mr. Schiro asked if the FAA must certify the office space. Mr. Markowitz said that they do have to inspect the office space. Councilman Schiro also asked about the terms of the current lease with this mechanic. Mr. Markowitz stated that he is currently on a month-to-month rental. Mr. Markowitz suggested that a five year lease be signed for the new space. Councilwoman Menefee clarified that the town and county both would have to approve the spending of the \$26,000 from reserves. Councilman Schiro said that overall plan is a good move as long as there is assurance of this move/lease. Councilwoman Menefee asked how long it would take to construct the space. Mr. Markowitz replied that it would take approximately 60 days. Councilman Arrington said that as long as there is not a burden on the taxpayers and that a lease agreement is in place, he is for it.

### **Proposed Drought Ordinance**

Assistant Town Manager, Bryan Chrisman, said that he had attended a regional meeting yesterday afternoon in Strasburg. Mr. Chrisman said that Council had been given a draft copy of the Drought Ordinance and should advise him of any comments. He stated that he will continue to work on this and hopefully the ordinance will come before Council by year end for a vote.

### **Luray Landing: Proposed Amendment**

Town Manager, Rick Black, stated that the proposed amendment to the Luray Landing Master Plan was discussed at the regular Council Meeting in September and also at the Planning Commission meeting. Council was provided with Planning Commission's recommendations on the subject. After the meeting with the Planning Commission the developer amended the proposal to conform to the existing PND Ordinance. Mr. Black provided Council with some suggestions for possible amendments to the ordinance from the commission. Mr. Black said that he does not see any reason why Council should not agree to the amendment to the master plan.

Assistant Town Manager, Bryan Chrisman, said that there were several changes to the PND Ordinance that could potentially go into effect after the approval of the master plan amendment. Mr. Chrisman said that there were several recommendations for changing the town's ordinance.

### **Luray Industrial Park**

Town Manager, Rick Black, notified Council that Page County is currently marketing the thirty acres across from the EMCO building. Mayor Presgraves stated that there was no need to discuss this further.

## **Town Attorney**

Town Attorney, Jason Spitler, told Council that all things were going as usual on the Fielder's Choice case. Also, the closing for the Rural Development loan has been moved to October in order to take advantage of a lower interest rate. Lastly, Mr. Spitler informed Council that the LFCC lease was proceeding as usual with all parties agreeable to the terms.

## **EXECUTIVE SESSION**

### **Legal Matters, Section 2.2-3711.A.7**

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing Section 2.2-3711.A.7. **Motion:** Councilman Schiro 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; Councilman Racer 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.7 was heard, discussed, or considered during the closed session. **The roll was called with all members certifying "Yes".**

## **Adjourn**

There being no further business, Mayor Presgraves adjourned the work session of the Town Council at approximately 8:00 pm.

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Barry Presgraves  
Mayor

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Danielle P. Babb  
Deputy Clerk-Treasurer