

**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF LURAY, PAGE COUNTY, VIRGINIA
October 11, 2005**

The Luray Town Council met in regular session on Tuesday, October 11, 2005 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 Barry Presgraves Leroy Lancaster
Earl "Rock" Racer William Menefee

Council Absent: Gerald Snyder

Also Present: Jerry Schiro, Town Manager
Rick Black, Assistant Town Manager
Mary Broyles, Clerk-Treasurer
Shelley Owens, Deputy Clerk-Treasurer
Page Campbell, Chief of Police
Lynn Mathews, Superintendent of Public Works
Charles Hoke, Superintendent of Wastewater Treatment
Pat O'Brien, Director of Parks & Recreation
Jason Spitler, Town Attorney
Media: 1 (Page News & Courier)
Other Interested Parties Present: 65 (Approximately)

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.

Mayor Dean welcomed the Luray High School Seniors, members of the School Board, members of the Page County Board of Supervisors, the Boy Scouts, and all other interested parties present.

CONSIDERATION OF MINUTES

Minutes of the September 12, 2005 Regular Meeting of the Luray Town Council were submitted for review. **Motion:** Councilman William Menefee motioned to approve the minutes as presented; motion seconded by Councilman Lancaster with the following YEA: Council Members Shifflett, Menefee, Lancaster, Presgraves, and Racer. Approved 5-0.

Minutes of the September 26, 2005 Special Meeting of the Luray Town Council were presented for review. **Motion:** Councilman Menefee motioned to approve the minutes as presented; seconded by Councilman Racer with the following YEA: Council Members Shifflett, Menefee, Lancaster, Presgraves, and Racer. Approved 5-0.

PAGE COUNTY REPRESENTATIVE SPEAKERS

Page County Economic Development Office:

Dr. Thomas Cardman provided Council with a verbal overview of the various Page County Economic Development Office projects currently in progress. Dr. Cardman suggested the town municipal offices in Page County may wish to begin compiling information such as infrastructure capacity data and detailed workforce profiles to be used as marketing tools for attracting industry and new business to the county.

Page County School Board:

Mr. Brian Cave of the Page County School Board provided Council with a verbal presentation and a printed document of the Page County Public Schools Ten Year Construction/Renovation Plan. Mr. Cave stated the School Board deliberated extensively before adopting a plan which stipulates immediate construction of a consolidated senior high school encompassing grades ten, eleven, and twelve. The Plan proposes transforming the current Page County High School into a consolidated junior high school following the completion of a new senior high school building which would be built behind the old Page County High School. The Page County Technical Center would be replaced by the construction of a technical center at the new consolidated senior high school site. The Plan includes an enrollment trigger which would allow immediate construction of a new Luray Senior High School and a new Luray Junior High School once the consolidated senior high school reaches an enrollment of one-thousand students. When this phase is implemented, the new high schools would revert back to grades nine through twelve and the new junior high schools would then revert back to grades six through eight. This concept would then result in more available space within the elementary schools.

Page County Board of Supervisors:

Dr. Charles Ballard addressed council to express the Page County Board of Supervisors views concerning the construction of a new senior high school. Dr. Ballard stated the Board of Supervisors, by majority vote, approved the construction of a consolidated high school on the Modisett property. This location was selected because of its close proximity to community and emergency services, and because it is the most cost effective solution for improvements to the Page County educational system. Dr. Ballard indicated the construction of second school following a specified enrollment trigger, would over-extend the borrowing capacity of Page County and result in an approximate tax increase of 100% to meet debt service requirements. In order to keep the tax burden at a minimum, Dr. Ballard requested the Page County Board of Supervisors and the Page County School Board organize a retreat to resolve the county educational system issues.

PUBLIC HEARINGS***Rezoning Request: Arthur Ellis, Jr. and Chris Ramsey******Page County Tax Map #42A16-3-1,2,3,4,5,6,7,8,9,10,11,12,13, and 29A***

Assistant Town Manager, Rick Black opened a public hearing to address public view concerning the rezoning of property described as a parcel of land approximately .2 miles east of the Fairview Road and Antioch Road intersection, on the south side of Fairview Road. Mr. Black stated the applicants have requested this R-2 (Residential) parcel be rezoned to R-3 (Residential) thereby permitting the construction of duplexes. No questions or comments were conveyed by the public during this mandatory public hearing. The Luray Planning Commission issued Resolution 2005-9-02 recommending approval of the proposed rezoning. Mayor Dean stated council will act on this rezoning request at the November 2005 meeting.

Rezoning Request: Charles A. Judd***Page County Tax Map #42A5-A-88***

Assistant Town Manager, Rick Black opened a public hearing to address public comment concerning the rezoning of property described as a parcel of land located at the intersection of Collins Avenue and Fairlane Road. The rezoning request involves changing a currently zoned parcel from M-1 to R-5 to allow construction of a single-family dwelling. Mr. Alan Eldridge spoke in favor of the rezoning; Mr. Ralph Janes and Mr. Sam Griffith spoke in opposition of the proposed rezoning. Resolution 2005-10-1 was submitted by the Luray Planning Commission opposing recommendation of this rezoning request. Mayor Dean indicated council will act on this request next month.

**Special Use Permit Request: Barry W. Nichols
Page County Tax Map #42A12-A-110**

Assistant Town Manager, Rick Black opened a public hearing to address public comment concerning a request made by Mr. Barry Nichols, requesting issuance of a special use permit to construct a single-family dwelling on a parcel of land located between B-1 and R-1 districts. The parcel location is on Painter Street on the west side, before Constitution Avenue. Mr. Black stated the Luray Zoning staff does not oppose the granting of a special use permit as requested. No public opposition was expressed during the public hearing.

**Zoning Ordinance Amendment:
Establishment of a Planned Neighborhood Development District**

Rick Black stated a public hearing was properly advertised for a proposed amendment to the Luray Town Code, Appendix A 409.0 through Appendix A 409.21. This proposal allows for the establishment of a Planned Neighborhood Development District to allow planned development on large tracts of land characterized by uniform site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which density calculations are performed for the entire development rather than on an individual basis. The Luray Planning Commission issued Resolution 2005-10-03 recommending adoption of the proposed amendments. No public comment was initiated during the public hearing.

GENERAL CITIZEN COMMENTS

Jack Leonard – 120 Highland Court, Luray, Virginia

Mr. Leonard addressed council to express his dismay concerning the proposed Property Maintenance Code not being adopted by council. Mr. Leonard suggested council consult the county or state attorney offices to find a way to legally enact requirements for building maintenance. Mr. Leonard cited state code which he stated mandates that Landlords keep structures in a fit and habitable condition. Mr. Leonard’s concerns were concluded with his request that council continue to pursue passage of a property maintenance code for the Town of Luray.

Diane Scharf – Luray Downtown Initiative

Ms. Diane Scharf, Executive Director of the L.D.I., provided a printed summary and verbal presentation of the activities accomplished by the Luray Downtown Initiative staff and volunteers during the months of August and September 2005.

TREASURER’S REPORT

Treasurer’s Report of Cash on Hand as of October 11, 2005:

SunTrust Bank:	
General Fund Account.....	\$ 2,701,117.38
Pioneer Bank:	
General Fund Account.....	\$ 0.00
Cash on Hand:	\$ <u>22,661.03</u>
TOTAL:	\$ 2,723,778.41
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 total amount of \$ 153,868.82. **Motion:** Councilman Menefee motioned to approve payment of the list of invoices presented, seconded by Councilman Racer with the following council members voting YEA: Shifflett, Menefee, Lancaster, Presgraves, and Racer. Approved: 5-0.

TOWN MANAGER'S REPORT

Town Manager, Jerry Schiro stated a draft flyer announcing the new town website has been provided for council review. The flyer is scheduled to be sent out with the October 2005 utility billing.

Mr. Schiro stated in consideration of the increased number of issues presented on the monthly Luray Planning Commission agendas, Council may wish to consider changing the meeting date of the Commission to follow the Town Council meetings. This would enable Council to schedule work sessions prior to public hearings if deemed necessary.

TOWN ATTORNEY'S REPORT

In reference to the proposed Property Maintenance Code, Town Attorney Jason Spitler stated Council may wish to consider targeting areas of the town's existing code which could be amended to be more applicable and enforceable.

DEPARTMENTAL REPORTS

- **POLICE - PUBLIC SAFETY AND EMERGENCY SERVICES COORDINATOR'S REPORT**

Chief of Police, Page Campbell presented written reports of police department activities and statistics for the month of September 2005.

- **PARKS & RECREATION DEPARTMENT**

Parks Director, Pat O'Brien presented council with verbal updates of his department's activities during the month of September 2005.

The Christmas Parade is scheduled for December 6, 2005 and will begin at 5:30 p.m.

Mr. O'Brien requested Council approval of another Greenway Mural which will be painted on the Old Ford Place by local artist Jennifer Brandt. Following review of the sketch, it was the consensus of the Council to proceed with the mural presented.

Mr. O'Brien requested Council approval to enhance the Plaza area along the Greenway which will require approximately \$2,000. Following discussion, it was the consensus of the Council to approve Plaza improvements as discussed.

- **PUBLIC WORKS DEPARTMENT**

Public Works Director, Lynn Mathews stated all water tests were in compliance during the month of September. Outside of normal routine maintenance, the department will be trimming roadside trees, cleaning ditches, in addition to collecting brush and junk items.

- **WASTEWATER TREATMENT DEPARTMENT**

Wastewater Superintendent, Charlie Hoke stated the wastewater plant testing during the month of September was in compliance with all state and federal regulations. Mr. Hoke met with the Department of Environmental Quality (DEQ) this month to conduct the preliminary basis of design review for renewal of the wastewater facility operations permit. Seventy percent of the funding needed for the basis of design and interim optimization report was provided by a state grant. Five engineering firms responded to the publicized request for proposals.

OLD BUSINESS

Alleyway Dedication: Ms. Joyce Shifflett

Jerry Schiro stated a mandatory public hearing was held at the September 2005 regular Council meeting concerning a request from Ms. Joyce Shifflett to acquire a 20 foot section of alleyway located behind her home. Councilwoman Shifflett stated the Council has established a precedence to deny alley acquisition requests when opposition is expressed at a public hearing. Several neighboring residents would be adversely affected by this requested acquisition. **Motion:** Following further discussion, Councilwoman Shifflett motioned to deny the request for acquisition of the alleyway right-of-way which separates lots 1, 2, and 3 from lots 14, 15, 15A, and 16 between Third and Fourth Streets in Luray. Councilman Presgraves seconded the motion with the following YEA: Shifflett, Menefee, Lancaster, Presgraves, and Racer. Approved: 5-0

NEW BUSINESS

Alley Dedication: Thomas B. Wiatrowski

Jerry Schiro stated Mr. Thomas Wiatrowski has submitted a request to acquire the alleyway adjoining his property which is located at 213 Fifth Street in Luray. Mr. Wiatrowski addressed council concerning his justification for the acquisition request and stated he would accept all or a portion of the alley way. Following additional discussion, it was the consensus of Council to proceed with the mandatory public hearing procedures and conduct the public hearing at the November 2005 regular Council meeting.

MAYOR'S ANNOUNCEMENTS

Mayor Dean stated the Page News & Courier will be holding an open house at their newly renovated offices on October 27th, 2005 with a ribbon cutting ceremony beginning at 5:30 p.m.

EXECUTIVE SESSION

Mayor Dean requested a motion to adjourn to Executive Session for the purpose of discussing personnel matters in closed session permissible under the Code of Virginia, Section 2.2-3711(1).

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

RECONVENE & ADJOURN

After reopening the regular session, Council agreed only personnel matters were discussed during the Executive Session. There being no further business to transact, Mayor Dean adjourned the regular session of the Town Council.

Mayor Ralph H. Dean

Attest:

Michelle Owens, Deputy Clerk / Treasurer