

**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF LURAY, PAGE COUNTY, VIRGINIA
February 14, 2005**

The Luray Town Council met in regular session on Monday, February 14, 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 H. Dean

Council Present: Nancy Shifflett Gerald Snyder
Leroy Lancaster William Menefee
Barry Presgraves Earl "Rock" Racer

Also Present: Jerry Schiro, Town Manager
Lonnie Arrington, Asst. Town Manager
Mary Broyles, Clerk-Treasurer
Michelle Owens, Deputy Clerk-Treasurer
Page Campbell, Chief of Police
Lynn Mathews, Superintendent of Public Works
Charles Hoke, Superintendent of Wastewater Treatment
Jason Spittler, Town Attorney
Media: 1 Others: 15-20

A quorum being present, Mayor Dean declared the Council to be in session for the transaction of business.

CONSIDERATION OF MINUTES

Minutes of the January 10, 2005 Regular Meeting of the Luray Town Council were submitted for review. **Motion:** Councilman Menefee motioned to approve the minutes as presented; seconded by Councilman Snyder with the following YEA: Council Members Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. Approved 6-0.

Minutes of the January 18, 2005 Special Session Meeting of the Luray Town Council were submitted for review. **Motion:** Councilman Menefee motioned to approve the minutes as presented; seconded by Councilman Racer with the following YEA: Council Members Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. Approved 6-0.

PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT (C.D.B.G.)

Mayor Dean introduced Mr. Doug Meredith of LMW, P.C. Engineering and opened a public hearing discussion of information pertaining to the Town of Luray C.D.B.G. funding. Mr. Meredith stated this public hearing is the first of two mandatory statutory hearings for entities applying for C.D.B.G. funding. The town may qualify for these funds under three national objectives; the benefit of low-to-moderate income families, the prevention and elimination of slum & blight, or recovery of a natural disaster. A downtown revitalization would qualify under the prevention of slum & blight objective with a housing component. The Town of Luray is eligible for a total of one million dollars (\$1,000,000.00) in grant funds.

In response to Councilwoman Shifflett's request for clarification of low-to-moderate income, Mr. Meredith indicated that for grant purposes, this income level is considered 80 percent of Page County's average income. Single persons earning under \$25,400 annually and a family of four

earning under \$36,300 would be classified in this income range. Housing component grant recipients are not allowed to participate in the Section 8 Welfare Voucher Program although they are required to bring rental properties into compliance with Section 8 Minimum Housing Standards.

The grant classification of slum and blight is based upon community standards. The grant will provide a 50 percent match in funds utilized to repair structures based on the preliminary cost estimates established in the Frazier Report. The area defined in this report extends from the railroad tracks to the Best Western Motel on Main Street.

LORD FAIRFAX COMMUNITY COLLEGE

Mayor Dean introduced Dr. John Sygielski with Lord Fairfax Community College. Dr. Sygielski distributed documentation illustrating the floor plan and goals of the Luray LFCC Satellite Campus. This campus will initially enroll approximately 150 students and provide traditional and non-traditional instruction, workforce development programs, continuing education courses, teacher re-certifications, certificates, and degrees. Dr. Sygielski stated students can earn associate, bachelor, and master degrees from LFCC through a partnership with the Shenandoah University and Old Dominion University. Lord Fairfax College has committed \$100,000.00 for purchasing equipment to furnish the Luray facility.

Dr. Sygielski stated LFCC is requesting community support from the Town of Luray and Page County through monetary assistance in the amount of \$225,000.00 and through rental expense assistance during the first year of operations. Dr. Sygielski will provide a LFCC presentation to Page County on February 15, 2005. Jerry Schiro stated he will be meeting with the Page County Board of Supervisors tomorrow evening and he would like direction from the council concerning their position on the LFCC funding assistance request. **Motion:** Following further discussion, Councilman Menefee motioned to authorize the Town Manager to convey the Council's intent to support Lord Fairfax College's Luray Satellite Campus and commit to providing half of the requested monetary donation. Motion seconded by Councilman Racer with the following YEA: Council Members Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. Approved 6-0.

CITIZEN COMMENTS

Mr. Lee McWhorter addressed the council in gratitude for their leadership in Page County and for all of the things they do for all of the county citizens, not just town citizens.

Mr. James Fargo addressed council regarding a letter he presented to Jerry Schiro and the Town Council on February 11, 2005. Mr. Fargo requested consideration of renaming the New Beginnings Plaza to The Ruffner Plaza in honor of Isaac Ruffner who is considered the founder of Luray.

Motion: William Menefee motioned to table the request to rename the New Beginnings Plaza at this time. The motion was seconded by Barry Presgraves with the following YEA: Council Members Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. Approved 6-0.

PUBLIC HEARING – SPECIAL USE PERMIT, Virginia Pacific, LLC

Mr. Lonnie Arrington opened discussion pertaining to the request made by Virginia Pacific, LLC to construct and sell twenty-four (24) townhouses in a B-1 District on Furnace Road. Mr. Arrington stated this permit was presented to the Luray Planning Commission on January 13, 2005 at which time they recommended approval of the permit with one stipulation. This stipulation indicates the erosion and sediment control plan of the construction site, be approved through Page County prior to issuance of the special use permit. Mr. Chuck Bowen addressed the council stating the erosion and sediment control plan permit was previously approved although construction did not begin within the six month time frame required under the permit. Mr. Bowen spoke with State of Virginia officials concerning the validity of his original permit which did not provide an expiration date.

Motion: Following further discussion, Nancy Shifflett motioned to approve the Special Use Permit as presented contingent upon receipt of a valid soil and erosion permit. Leroy Lancaster seconded the motion with the following YEA: Council Members Shifflett, Snyder, Menefee, Lancaster, and Presgraves. NAY: Earl "Rock" Racer. Approved 5-1.

TREASURER'S REPORT

Treasurer's Report of Cash on Hand as of February 14, 2005:

SunTrust Bank:		
General Fund Account.....	\$	2,779,503.99
Pioneer Bank:		
General Fund Account.....	\$	0.00
Cash on Hand:	\$	<u>22,079.36</u>
	TOTAL:	\$ 2,801,583.35
Savings Accounts:		
PVB-FmHA Sewer Plant Sinking Fund.....	\$	28,831.32

Mary Broyles, Town Clerk / Treasurer submitted to Council for approval, Accounts Payable invoices in the total amount of \$ 249,072.65. **Motion:** Councilman Snyder motioned to approve payment of the list of invoices presented, seconded by Councilman Shifflett with the following council members voting YEA: Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. Approved: 6-0

TOWN MANAGER'S REPORT

Update on Water Filtration Plant: Plant designs have been forwarded to the State Department of Health for review. Initial agency response indicates that only minor modifications are anticipated. Cost projections will be presented to Council once they are determined.

Software Conversion: The LOGICS financial software module is now installed. Staff will be attending a user's group meeting in Berryville this week.

B & B Regulations: Mr. Schiro and Mr. Arrington met with the Planning Commission on February 8, 2005 to begin review of the current Bed & Breakfast Regulations. The Planning Commission will hold a public hearing on March 3, 2005 to receive general comments on proposed regulatory changes.

West End Booster Pump Station: The lines are now installed and once the pre-cast building arrives, the pumps will be installed and construction will be complete within approximately three weeks, weather permitting.

Stormwater Project – Forrest Hills: Mr. Schiro is working with residents and Rappawan Construction involving the construction of an enhanced stormwater management facility at the entrance of The Ridge Subdivision and Forrest Hills Drive. Following discussions with Lynn Mathews and Jackie Shenk, and review of cost estimates to pipe the stormwater underground to an existing junction box, Mr. Schiro recommended this project be completed in-house. Following further discussion, Council agreed to proceed with this project in-house which involves installing 400 linear feet of pipe to direct the stormwater underground to outfall into a grass swale ditch line.

TOWN ATTORNEY'S REPORT

Town Attorney Jason Spitler stated he is hopeful the Mansion Inn Case will be concluded tomorrow morning at 9:00 a.m.

Mr. Spitler stated he wished to clarify concerns some council members may have involving a recent Daily News Record article. This article cited legal issues when the Town of Elkton made a change in their procedures which reassigned supervisory control of the Police Department resulting in the Police Chief reporting to the Town Manager. The difference between Elkton and Luray is the fact that Luray's chain of command is stipulated only by the Town of Luray Code of Ordinances which can be changed by the Council at their discretion. Elkton's chain of command was recorded in the town charter which can only be amended by the General Assembly.

DEPARTMENTAL REPORTS

- **POLICE - PUBLIC SAFETY AND EMERGENCY SERVICES COORDINATOR'S REPORT**
Chief of Police, Page Campbell presented written reports for council review including an Informational Department of Police Up-date, a Coordinator of Emergency Services report, January 2005 and calendar year 2005 arrest reports and detailed calls for service reports.
- **PARKS AND RECREATION DEPARTMENT**
Parks Director, Pat O'Brien provided a written report of the Parks and Recreation Department activities during the month of January 2005.
- **PUBLIC WORKS DEPARTMENT**
Public Works Director, Lynn Mathews provided verbal departmental updates concerning the Public Works Department. Mr. Mathews stated all water sample testings are in compliance with state guidelines and five water line leaks were repaired in January.
- **WASTEWATER TREATMENT DEPARTMENT**
Wastewater Superintendent, Charlie Hoke stated the wastewater facility is operating within all state and federal guidelines.

OLD BUSINESS

Greenway Trail Construction Under Main Street Bridge

Mr. Pat Racey of Racey Engineering provided a visual and verbal presentation of the proposed construction of the Greenway Trail under Main Street Bridge. The purpose of this 5.5 foot cantilevered walkway is to allow pedestrian access to both sides of the Greenway Trail which are split by Main Street and to avoid pedestrian traffic on this busy street. The final construction cost estimates submitted by Racey Engineering total \$115,375.00. Jerry Schiro stated the town will act as its own general contractor for this project with construction beginning in June 2005.

John Mrotek advised council that Rotary International would rescind their grant offer if the Town can not make formal commitment to construction of the trail by April 30, 2005. The Rotary must make a check payable directly to a vendor for professional services in the amount of \$3,050 by April 30, 2005 or return these funds. Jerry Schiro stated the Rotary funds could be paid directly to the walkway handrail manufacturer.

Motion: Councilman Racer motioned to approve funding of the Greenway trail construction under Main Street Bridge in an amount not to exceed \$120,000.00 and to fund this project over the course of two fiscal year budget periods. Councilman Presgraves seconded the motion with the following YEA: Council Members Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. Approved 6-0.

Town Decals for Volunteer Fire Department and Rescue Squad

Jerry Schiro stated Chief Seal addressed Council in August 2004 to request consideration of providing free town decals for the qualifying members of the Luray Volunteer Rescue Squad and Fire Department. A list of these members is presented within this month's council packet. The town is authorized to provide this type of exemption to local tax under Virginia Code Section 46.2-752 (A).

Motion: Councilman Presgraves motioned to provide one town decal to each qualifying member of the Luray Rescue Squad and the Luray Fire Department at no charge. Councilman Menefee seconded the motion with the following YEA: Council Members Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. Approved 6-0.

NEW BUSINESS

Creek Road – Out of Town Water and Sewer Service

Jerry Schiro stated staff is currently working with developers who recently purchased a fourteen (14) acre parcel on the south side of Creekside Drive which is outside of the Luray corporate limits. The developers have requested water and sewer service be provided by the Town of Luray at out-of-town rates. Staff will continue to work with the developers on this project and provide additional information for council once it becomes available.

Resolution 2005-02-01 – Phase IV, Hawksbill Greenway

Jerry Schiro presented Resolution 2005-02-01 endorsing the development and funding applications of the Luray-Hawksbill Greenway's fourth phase. **Motion:** Councilman Racer motioned to approve Resolution 2005-02-01 as presented. Councilwoman Shifflett seconded the motion with the following YEA: Council Members Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. Approved 6-0.

Luray High School 2005 After Prom Celebration

The Luray High School will be holding their annual drug and alcohol free after prom party for the juniors and seniors of Luray in May. This event provides a safe and supervised environment for the students along with food, entertainment, games, and prizes. **Motion:** Following discussion, Councilman Presgraves motioned to provide a donation in the amount of \$200.00 to Luray High School for the 2005 After Prom Celebration. Councilman Menefee seconded the motion with the following YEA: Council Members Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. Approved 6-0.

MAYOR'S ANNOUNCEMENTS

None

EXECUTIVE SESSION

Mayor Dean requested a motion to adjourn to Executive Session for the purpose of discussing personnel issues in closed session permissible under the Code of Virginia, Section 2.2-3711(1). Councilman William Menefee motioned to recess the regular meeting and convene in closed session; Councilwoman Shifflett seconded the motion with the following council members voting YEA: Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. Approved: 6-0.

REGULAR SESSION RECONVENE

After reopening regular session, Council agreed only personnel issues were discussed during the Executive Session. There being no further business to transact, Mayor Dean adjourned the regular session of the Town Council at approximately 8:25 p.m.

Ralph Dean, Mayor

Attest:

Michelle Owens, Clerk to Council