

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

The Luray Town Council met in regular session on Monday, April 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 Gerald Snyder
Leroy Lancaster Barry Presgraves
Earl "Rock" Racer William Menefee.

Also Present: Jerry Schiro, Town Manager
Mary Broyles, Clerk-Treasurer
Michelle Owens, Deputy Clerk-Treasurer
Page Campbell, Chief of Police
Charles Hoke, Superintendent of Wastewater Treatment
Pat O'Brien, Director of Parks and Recreation
Jason Spitler, Town Attorney
Media: 1 Others: 12-15

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.

JOINT PUBLIC HEARING WITH THE LURAY PLANNING COMMISSION: BED & BREAKFAST ORDINANCE

Luray Planning Commission members present: Clifton Campbell, Hubert Roop, Bob Borgie, and Eugene Martin.

Town Manager Jerry Schiro stated mandatory public notice was provided for this public hearing which is being held for the purpose of hearing public comment concerning proposed amendments to Article II-Section 202, Article IV-Sections 402.2, 403.2, 404.2, 406.1, and 406.2 in reference to R-2, R-3, R-4, and B-1 Districts as defined in the Town of Luray Zoning Ordinances. Mr. Schiro presented the following proposed changes:

- Guest Registration: Changed from 7 to 14 consecutive days
- Guests: Changed from 6 to 12 permitted guests if the business is located on a 1 acre or larger lot.
- Parking: One space provided for each outside employee; no more than 2 spaces permitted in the front yard; parking areas must be screened and buffered.
- Meals: Any meal may be served to a registered guest and owners must comply with the Commonwealth Board of Health applicable laws and regulations.
- Country Inns: The definition of a Country Inn has been defined and added to the ordinance.

Mr. Schiro clarified that all proposed Bed and Breakfast entities, must acquire a special use permit which is approved through the Town Council prior to establishment. Council has the authority to impose any special condition on the special use permit at their discretion and the permit is not transferable should the property be sold.

Ms. Estelle Robinson expressed opposition to the proposed ordinance amendments. Citizens speaking in favor of the proposed changes included, Mr. Lee McWhorter, Mr. and Mrs. Tom Potts, Ms. Lori Nealis, Mr. Paul Edwards, and Ms. Cheryl Hunsacker.

Following discussion, Commissioner Borgie of the Luray Planning Commission motioned to accept the proposed ordinance amendments as presented and to recommend council approval of same. Commissioner Martin seconded the motion with Commissioner Roop voting nay, Chairman Campbell not voting, and Commissioner Baughan absent. Motion carried, 2:1.

Mayor Dean stated the Luray Town Council will vote on this amendment at the May 2005 regular meeting.

CONSIDERATION OF MINUTES

Minutes of the March 14, 2005 Regular Meeting of the Luray Town Council were submitted for review. **Motion:** Councilman Snyder motioned to approve the minutes as presented; seconded by Councilman Menefee with the following YEA: Council Members Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. Approved 6-0.

Minutes of the March 28, 2005 Joint Town Government Meeting of the Town of Luray, the Town of Shenandoah, and the Town of Stanley were submitted for review. **Motion:** Councilwoman Shifflett 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.

CITIZEN COMMENTS

Mr. Chuck Bowen Sr. addressed council for the purpose of considering a boundary line adjustment affecting a parcel of property owned by the Town of Luray, Tax Map Parcel #42A4-(10)-5. This parcel adjoins Mr. Bowen’s property located on Highway 211 East and runs adjacent to the west bound lane of the Highway 211 bypass and the Hawksbill Creek. Mr. Bowen stated he is requesting the boundary adjustment because he feels the properties should abut at the center of Hawksbill Creek to allow a more uniform proportion of both parcel’s boundaries. Following further discussion Council agreed to table consideration of this request pending council’s on-site inspection of the properties involved.

TREASURER’S REPORT

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

SunTrust Bank:	
General Fund Account.....	\$ 2,904,009.67
Pioneer Bank:	
General Fund Account.....	\$ 0.00
Cash on Hand:	\$ <u>9,583.24</u>
	TOTAL: \$ 2,913,592.91
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 \$ 244,447.26. **Motion:** Councilman Presgraves 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. Councilman Snyder was absent during this vote. Approved: 5-0

TOWN MANAGER'S REPORT

Lord Fairfax Community College: Town Manager Jerry Schiro and the Page County Administrator met regarding the establishment of a lease document and a construction schedule for the Luray LFCC Campus. The lease will be held in the name of the College Foundation Board. The General Contractor will be the Page County Sheriff's Inmate Workforce Team with Fritz Baukhages assisting with the renovations.

C.D.B.G. Grant: Mr. Schiro recently completed a two day training session concerning the mandatory implementation and procurement procedures of administering the Community Development Block Grant.

Town Code Updates: Staff has contacted the Municipal Code Corporation concerning revision of the Town Code which was initially started in December 2003. An electronic draft of revisions should be received in the next few weeks. A completed Town Code Book is anticipated in October 2005.

Joint Town Meeting: Jerry Schiro spoke with the Chairman of the Page County Board of Supervisors, Mason Lockridge regarding topics addressed during the March 2005 Joint Town Meeting. In response to Councilwoman Shifflett's inquiry, Mr. Schiro confirmed the town will be represented during the Page County Landfill Committee meetings.

TOWN ATTORNEY'S REPORT

Jason Spitler stated he has been working with the Parks and Recreation Department involving Phase IV of the Greenway Project.

LURAY DOWNTOWN INITIATIVE

Bonnie Anthony provided a verbal update of the activities of the Luray Downtown Initiative since her last report to Council in November 2004.

- The sales gap analysis was started in December 2004 and will be complete in May 2005.
- The Festival of Spring is to be held on May 7th, 2005.
- The LDI policy and procedures manual is nearing completion.
- The LDI was recognized at an awards seminar for over 1,000 hours of volunteer work since July 2004.
- An Executive Director has been hired and the new offices are nearly complete.
- The Design Committee is holding a properties meeting tomorrow evening at 7:00 p.m.

Ms. Anthony introduced Diana Scharf as the new Luray Downtown Initiative Executive Director. Ms. Scharf thanked the town and council for a warm welcome and stated she is in the office Monday through Friday should any one have any questions or concerns.

DEPARTMENTAL REPORTS

- **POLICE - PUBLIC SAFETY AND EMERGENCY SERVICES COORDINATOR'S REPORT**
Chief of Police, Page Campbell presented written reports of police department activities for the month of March 2005 and invited questions from the council concerning his reports.
- **PARKS & RECREATION DEPARTMENT**
Parks & Recreation Director, Pat O'Brien provided the following department updates:
 - The Arbor Day Ceremony is scheduled for 11:00 a.m. on Saturday, April 23rd at Eugene Park.
 - The Hawksbill Creek restoration project will begin this summer.
 - The Annual Kids Trout Derby is scheduled for Saturday, April 30th at 9:00 a.m.
 - The Parks Department is working with the Department of Forestry to develop a Greenway Project informational brochure.
 - The Page County Tree Board has offered \$5,000 to provide plantings for phase III of the Greenway. A final landscape project plan will soon be presented for council approval.

- The fencerow adjacent to Route 340 where Phase III of the Greenway will run, was cleaned for safety and sight issues.
- Per Council request, Mr. O'Brien is working with Dixon Freeland, Jr. regarding his offer to donate property along the fourth phase of the Greenway.

- **WASTEWATER TREATMENT DEPARTMENT**

Wastewater Superintendent, Charlie Hoke stated the wastewater facility is operating within all state and federal guidelines. Mr. Hoke applied for and received a 70% matching grant to fund two of the studies required to renew the facility's permit.

OLD BUSINESS

Tax Relief for the Elderly and Handicapped

Jerry Schiro presented for council review, a draft amendment to Article II of the Luray Town Code which defines Tax Relief for the Elderly and Handicapped. Changes involve an increase of qualifying income to \$8,000.00 and an increase of net worth to \$48,000.00. Program administration would also be changed from the Town Manager to the Town Treasurer. If Council accepts the proposed ordinance changes, a public hearing will be required.

Council Budget Work Sessions

The Luray Town Council will meet for the 2005-2006 budget work sessions on:
Wednesday, April 27, 2005 at 6:00 p.m. and on Wednesday, May 4, 2005 at 6:00 p.m.

NEW BUSINESS

Luray Wrangler Baseball Team Funding

Council was presented with a request for funding in the amount of \$6,000 for the 2005 Season of the Wrangler Baseball Team. A Luray citizen requested clarification of why the Town funds this organization. Council indicated the team is not self-supporting and the games generate considerable revenue for Luray business owners. Following further discussion, Councilman Menefee motioned to issue support in the amount of \$6,000 as requested by the Luray Wrangler Baseball team. Councilman Racer seconded the motion with the following YEA: Council Members Shifflett, Snyder, Menefee, Lancaster, and Racer. Councilman Presgraves abstained from voting due to a business related conflict of interest.

Conservation Plan – Community Development Block Grant

Jerry Schiro presented for review, a draft Conservation Plan of the Luray Central Business District Conservation Project Area. Adoption of this plan is mandatory under the C.D.B.G. guidelines. Councilwoman Shifflett motioned to accept the Conservation Plan as presented with Councilman Lancaster second and the following YEA: Council Members Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer.

Phase III Greenway Construction Contract

Mr. Schiro stated the construction of this project was advertised and the town received two contractor's bids which varied considerably in cost. The bid from Keith Barber Construction totaled \$196,000.00 and a bid from H.M. Pettit and Son Paving provided a cost of \$151,000.00. The town has received a grant in the amount of \$100,000.00 for Phase III and the remaining funds have been budgeted. Staff recommends the construction contract be awarded to H.M. Pettit and Son Paving. Councilman Snyder motioned to accept the bid of \$151,000.00 from H.M. Pettit and Son Paving and authorize the town manager to execute any related contract documents to begin the Phase III Greenway project. Councilwoman Shifflett seconded the motion with the following YEA: Council Members Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer.

Virginia Municipal League – Town Section Meetings

In May and June, a series of regional town section meetings will be held around the state. Jerry Schiro stated the closest meeting will be held in Bridgewater on Thursday, May 26, 2005 at 11:00 a.m. Council members interested in attending may contact Mary or Shelley to ensure reservations are made in advance.

Luray / Page County Airport Audit

Jerry Schiro informed council that a Financial Report for the Luray-Page County Airport Commission for the years ended December 2003 and 2004 was included with the council packets for informational purposes.

MAYOR’S ANNOUNCEMENTS

Mayor Dean stated a Luray 2005 Arbor Day Proclamation is included in the council packet for consideration. Following discussion, Councilwoman Shifflett motioned to accept the Proclamation for the Luray 2005 Arbor Day designating April 23, 2005 as the event celebration date. Councilman Menefee seconded the motion with the following YEA: Council Members Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer.

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 Menefee motioned to recess the regular meeting and convene in closed session; Councilman Racer seconded the motion with the following council members voting YEA: Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. Approved 6-0.

ADJOURN

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 8:50 p.m.

Mayor Ralph H. Dean

Attest:

Michelle Owens, Clerk to Council