

**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF LURAY, PAGE COUNTY, VIRGINIA
May 8, 2006**

The Luray Town Council met in regular session on Monday, May 8, 2006 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 Gerald Snyder

Also Present:

Jerry Schiro, Town Manager
Rick Black, Assistant Town Manager
Mary Broyles, Clerk-Treasurer
Shelley Owens, Deputy Clerk-Treasurer
Lynn Mathews, Superintendent of Public Works
Charlie Hoke, Wastewater Superintendent
Page Campbell, Chief of Police
Ligon Webb, Town Planner
Clifton Campbell, Luray Planning Commission
Bob Borgie, Luray Planning Commission
Terry Dodson, Luray Planning Commission
Sam McNeely, Luray Planning Commission
Judy Suddith, Luray Planning Commission
Jason Spitler, Town Attorney
Media: Page News & Courier
Other Interested Parties Present: 25 (Approx.)

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.

CONSIDERATION OF MINUTES

Minutes of the April 10, 2006 Regular Council Meeting were submitted for review. **Motion:** Councilman Lancaster motioned to approve the minutes as presented; motion seconded by Councilwoman Shifflett with the following YEA: Council Members Shifflett, Menefee, Lancaster, Presgraves, Snyder, and Racer. **Approved 6-0.**

Draft minutes of the April 12, 2006 Luray Planning Commission Meeting were submitted for review and information only.

Draft minutes of the April 26, 2006 Joint Council and Planning Commission meeting were submitted for review.

JOINT MEETING OF THE LURAY TOWN COUNCIL AND PLANNING COMMISSION

Mayor Dean opened the regular Council meeting to include joint discussion with members of the Luray Planning Commission for the purpose of reviewing the Concept Plan for the Luray Landing Planned Neighborhood Development (P.N.D.) Town Planner Ligon Webb provided a verbal outline of the protocol

for submitting a proposed P.N.D. Concept Plan. The Concept Plan was submitted by Baker Development in accordance with Town Code Appendix A - 409.23 Review and Creation of the Planned Neighborhood Development District – P.N.D. Mr. Webb stated the Concept Plan is strictly a voluntary submittal on the part of the applicant. The Planning Commission will take a vote for denial or recommendation of approval of the plan with or without stated modifications. Approval of the Concept Plan as indicated in the P.N.D. Ordinance is only an expression of apparent favor to be used in preparation for the P.N.D. Land Use Master Plan and does not authorize construction. A public hearing will be held before the Land Use Master Plan is submitted for approval. Mr. Webb indicated he has requested land use be clearly defined in all areas of the Concept Plan and that these definitions comply with our P.N.D. ordinance. Mr. Webb stated that other than these modifications, all other ordinance requirements have been met by the developer.

In response to questions from Planning Commissioner Bob Borgie and Councilman William Menefee, Ligon Webb stated after approval of the Concept Plan, there will still be a level of review permissible before the developer presents the Development Plan. Jerry Schiro requested the Planning Commission voice any concerns they have to the developer now; before submission of the Master Plan. Bob Borgie made the following recommendations: protect our investment in the airport, define the P.N.D. border at six hundred and fifty feet and recommend a commercial row within the development, require a written plan for water removal with agreed upon easements, ensure the changes will not interfere with projected road improvements, and incorporate permissible noise levels within the P.N.D. ordinance. Following further discussion, the Luray Planning Commission members present voted unanimously to recommend to Town Council a conditional approval of the Luray Landing P.N.D. Concept Plan with conditions being resolution of concerns expressed by Commissioner Bob Borgie.

Councilman Menefee expressed concerns regarding the proposed entrances and exits from the development stating he felt West Lu Boulevard coming off of Cave Hill Road should connect to the P.N.D. Councilman Presgraves stated he felt the West Lu Subdivision and Luray Landing should be segregated due to potential traffic issues. **Motion:** Following additional discussion, Councilman Lancaster motioned to approve the Luray Landing Concept Plan as presented. Councilman Presgraves seconded the motion with the following YEA: Council Members Shifflett, Menefee, Lancaster, Presgraves, Snyder, and Racer. **Approved 6-0.**

GENERAL CITIZEN AND ORGANIZATION COMMENTS

Luray Downtown Initiative (L.D.I.)

L.D.I. Executive Director, Catherine Stewart presented to Council, a written monthly report of L.D.I. activity.

TREASURER’S REPORT

Treasurer’s Report of Cash on Hand as of May 8, 2006:

SunTrust Bank:	
General Fund Account.....	\$ 3,161,836.56
Cash on Hand:	\$ <u>25,077.55</u>
TOTAL:	\$ 3,186,914.11
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 \$ 111,858.23. **Motion:** Councilman Racer motioned to approve payment of the list

of invoices presented, seconded by Councilman Presgraves with the following council members voting YEA: Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. **Approved: 6-0.**

Mary Broyles requested Council review the resolution included within their agenda packets which proposes to establish the 2006 Personal Property Tax Relief (PPTRA) at a rate of eighty-two percent (82%). **Motion:** Councilman Lancaster motioned to approve Council Resolution 2005-05-01; amending the 2006 Personal Property Tax Relief to a rate of 82%. Motion seconded by Councilman Menefee with the following council members voting YEA: Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. **Approved: 6-0.**

FACILITY FEE RECOMMENDATION REPORT

Ms. Cheryl Stevens with Draper Aden Associates, provided a verbal presentation and written report concerning the study of water and sewer connection and facility fees assessments. Ms. Stevens stated the purpose of the study was to calculate defendable fees using an established methodology.

▪ **Connection Fees**

Connection fees can be defined as one-time up front fees which typically include the cost of materials, labor, and administrative expenses related directly to the actual making of the water or sewer connection. Connection fees do not usually provide for any costs associated with purchasing capacity within the town's system. Ms. Stevens stated the Town of Luray's existing residential connection fees are \$1,880 for a water or sewer tap within the corporate boundaries and \$4,000 outside of the corporate boundaries. Duplexes and townhouses are 50% of the first tap fee paid for each subsequent unit.

▪ **Facility Fees**

Facility Fees are utilized as a contribution of capital toward existing or planned future facilities necessary to meet the service needs of new customers. Ms. Stevens stated these fees are one-time up-front fees assessed to every new customer and can be used to pay debt service on present or future system facilities. The formula used to determine facility fees involves using the present value of the entire system, divided by the capacity of the system in gallons, multiplied by the expected demand of gallons per day by the new customer. Ms. Stevens stated the value of the present water system is \$5,753,334 with a capacity of 1,296,000 gallons per day (gpd) and the sewer system value is \$21,256,542 with a 1,600,000 gpd capacity. Anticipated water system capital improvements can be factored in as system value. The written facility fee recommendation report includes recommended facility fees based upon various scenarios of CIP system value inclusions, meter size differentials, and area municipality fee comparisons. In response to locality comparison questions, Ms. Stevens stated most towns do not differentiate fees for in-town and out-of-town connections. Jerry Schiro indicated out-of-town fees are assessed at a higher rate because these users do not contribute to the tax base of the town and in the event of a system failure, the town's taxpayers would be the ones to endure these additional costs.

In reference to implementation of the connection and facility fees, Ms. Stevens indicated both fees should be assessed near the time service is requested and the actual tap is to be made. Facility fees should be accounted for separately from operating revenue, should not be used to pay operating expenses, and the fees should be re-evaluated every three to five years.

Following further discussion, it was the consensus of Council to review and consider the water and sewer facility fee report submitted by Draper Aden Associates, during the next Council work session.

TOWN MANAGER'S REPORT

Town Manager Jerry Schiro stated his monthly report is included within the agenda packets. Mr. Schiro informed the public that an additional \$150,000 in TEA-21 grant funds are slated for the depot restoration project. These funds should be appropriated sometime after July 1, 2006. The remaining donated Anderson windows have been received and will be installed this summer.

TOWN ATTORNEY'S REPORT

Town Attorney Jason Spitler stated Mr. Frederick Veney accepted the town's real estate purchase offer for the property located west of Bixler's Ferry Road in Luray.

Other issues Mr. Spitler planned to discuss are included within the Town Planner's report.

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

Chief Page Campbell submitted a written report of police department activity for the month of April 2006.

PARKS AND RECREATION DEPARTMENT

Jerry Schiro stated Parks Director Pat O'Brien could not be in attendance tonight although a written report of upcoming events and parks and recreation activity was submitted to Council.

PUBLIC WORKS DEPARTMENT

Public Works Director, Lynn Mathews stated all water tests were in compliance during the month of April 2006. Two new water and two new sewer taps were made this month. On May 16, 2006 Utility Services Company will be cleaning the Cave Hill water storage tank. Public Works crews will collect brush on May 25 through May 26, 2006. Crews will be cleaning catch basins and ditches this month also.

WASTEWATER TREATMENT DEPARTMENT

Wastewater Superintendent, Charlie Hoke stated the sample and analysis portion of the Nutrient Reduction Study has been completed and submitted. The wastewater treatment plant tested in compliance with all state and federal regulations during the month of April.

TOWN PLANNER'S REPORT

Town Planner, Ligon Webb submitted a comprehensive report with the Council agenda packet. Mr. Webb stated this report provides an outline of the Area Properties, LLC Concept Plan submitted in March 2006 by Mr. Gary Modjeska. Area Properties, LLC will be applying for a special use permit to develop apartment houses on a 4.7 acre B-1 tract located adjacent to the Mimslyn Inn. In reference to discussions pertaining to apartment houses and garden apartments, Mr. Webb stated potentially, the Planning Commission may consolidate these two separate definitions into one. Concerning townhouse lot width discussions initiated at the April 2006 regular Planning Commission meeting by Developer Chuck Bowen, our present ordinance states a townhouse having a lot width of less than twenty feet, may only contain two bedrooms. Mr. Webb stated he would like to hear Council's views on these issues before the definitions are possibly reformulated.

OLD BUSINESS

None

NEW BUSINESS

Century Landing – Request for Water & Sewer Service

Jerry Schiro stated Mr. Robert Janey was scheduled to address Council to request out-of-town water and sewer connections for Century Landing however, he will be unable to appear before 8:15 p.m.

Councilman Menefee voiced concerns in reference to Racey Engineering Firm providing services for both Century Landing and the Luray Landing Development due to a potential conflict of interest. Jerry Schiro indicated Racey Engineering was hired by the developers and is not working for the Town of Luray on either of these projects; Pat Racey is currently providing town services for the Greenway only.

Councilman Lancaster questioned if Racey Engineering had conducted their Fairview Road utilities evaluation in consideration of the development to be built on the other side of Fairview Store which was already approved. Jerry Schiro stated he was uncertain on this issue however; an independent engineer will review the evaluation before anything is approved.

Council Work Session Schedule

Jerry Schiro stated he would like to schedule a Council Work Session for the purpose of discussing the budget, utility rates, and the proposed 45% increase in the cost for curbside refuse collection. Notice of this increase effective July 1, 2006 was not received until last week. Staff has issued Requests for Proposals for refuse collection. Councilman Lancaster indicated he felt the possibility of providing this service in-house would reduce the cost of collection significantly. In response to Councilwoman Shifflett's questions, Mr. Schiro stated the roll-out containers are provided by the contractor however, there is a contract provision which would allow the town to purchase these receptacles. Following discussion, the next Council Work Session was set for Monday, May 15, 2006 at 5:30 p.m.

Town of Shenandoah Memorial Day Parade

Jerry Schiro asked if any of the Council would like to attend the Memorial Day Reception and/or participate in the parade hosted by the Town of Shenandoah. The Mayor and Council respectfully declined this invitation due to previous commitments.

Citizen Concerns

Councilman William Menefee stated that a few citizens expressed concerns to him last Tuesday while he was at the Page County Courthouse. Due to heavy traffic volume, a sidewalk needs to be installed on Lee Street at Mechanic and Lee Streets and the existing sidewalk on Mechanic Street needs to be extended all the way up to Lee Street. Mr. Menefee stated if the funds are available, he would like to have this project included in the upcoming budget's sidewalk plans.

Councilman Rock Racer stated he would like to see the sidewalk extended from Main Street all the way up to the Mimslyn property. Councilman Lancaster stated the sidewalk should also connect the two Mimslyn entrances.

Councilwoman Shifflett made the suggestion to change the Council election date to November rather than May.

Following further discussion, Council agreed to discuss the proposed sidewalk projects, election dates, other citizen concerns, and the water and sewer connection requested by Robert Janney, during the next Work Session.

Councilwoman Shifflett stated she would like to encourage all of Council to attend the performances being held at the old Bridge Theatre on May 19, 2006.

Councilman Lancaster stated in reference to the flower baskets placed on the light poles in town, the baskets are being destroyed by trucks due to placement of the baskets over the street area. Several Council members suggested the baskets be turned around away from the street to avoid this.

MAYOR'S ANNOUNCEMENTS

None

ADJOURN

There being no further business to transact, Mayor Dean adjourned the regular session of the Town Council at approximately 8:20 p.m.

Approved June 12, 2006:

Mayor Ralph H. Dean

Attest:

Michelle Owens, Deputy Clerk / Treasurer