

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

The Luray Town Council met in regular session on Monday, July 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      Gerald Snyder

**Absent:** William Menefee

**Also Present:** Jerry Schiro, Town Manager  
Lonnie Arrington, Asst. Town Manager  
Rick Black, Asst. Town Manager in Training  
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 and Recreation  
Jason Spittler, Town Attorney  
Media: 1    Others: 13

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 June 13, 2005 Regular Meeting of the Luray Town Council were submitted for review.

**Motion:** Councilman Leroy Lancaster motioned to approve the minutes as presented; seconded by Councilwoman Shifflett with the following YEA: Council Members Shifflett, Snyder, Lancaster, Presgraves, and Racer. Approved 5-0.

Minutes of the June 29, 2005 Joint Work Session of the Town Council and the Luray Planning Commission were presented for review. **Motion:** Councilman Rock Racer motioned to approve the minutes as presented; seconded by Councilman Presgraves with the following YEA: Council Members Shifflett, Snyder, Lancaster, Presgraves, and Racer. Approved 5-0.

**PUBLIC HEARINGS**

**Rezoning Request: Applicant - Chris Ramsey, Atkins Lane**

Assistant Town Manager, Rick Black opened discussion of a public hearing to hear citizen comment regarding a rezoning request filed by Chris Ramsey of Ramsey Incorporated. This rezoning request would change the zoning of property located on the North side of Atkins Drive, (Tax Map #42A7-A-1) from R-1 to

R-2 for the construction of a single family dwellings. Mr. Black indicated the property is bounded by Atkins Drive, the Route 211 Bypass, and the Town of Luray Corporation limits. Jerry Schiro stated that following the submission of this rezoning request, Mr. Ramsey acquired an additional parcel. This additional six acres is located adjacent to the original parcel although the six acre tract is outside the corporate boundaries of the Town of Luray. Mr. Ramsey's spokesman, Rob Good with Racey Engineering addressed council stating that Mr. Ramsey would like to proceed with the rezoning request

as originally submitted in order to begin preliminary engineering work on that parcel. Mr. Good added, the additional six acre tract of property will require a boundary line adjustment in order to incorporate it into the town limits and this can be a lengthy process. Mr. Good indicated that Chris Ramsey realizes the road design will need to be realigned in order to factor-in the additional six acres.

**Motion:** Following further discussion, Council Member Rock Racer motioned to approve the rezoning of the subject property identified as Tax Map #42A7-A-1 from R-1 to R-2 contingent upon the following stipulations: The developer will ensure VDOT compliant upgrades are made to Atkins Drive and all development roadways, the developer will install curb and gutter throughout the development and on the north side of Atkins Drive, and the developer will provide sidewalks on both sides of the development roadways. In addition, Mr. Ramsey will ensure that upgrades to the existing sewer lift station are completed and and/or construct additional sewer lift stations in order to sufficiently accommodate the completed development of both the eleven acre and six acre tracts of land. Councilwoman Nancy Shifflett seconded the motion with the following YEA: Council Members Shifflett, Snyder, Lancaster, Presgraves, and Racer. Approved 5-0.

***Rezoning Request: Applicant - Paul Davis, 191 Bixler’s Ferry Road***

Assistant Town Manager, Rick Black opened discussion of a public hearing to hear citizen comment regarding a rezoning request filed by Paul Davis. This rezoning request involves changing the property located at 191 Bixler’s Ferry Road, identified as Tax Map #42A3-A-14, from an M-1 designation to R-1 in order to permit the construction of a single family dwelling. Mr. Black stated the town zoning recommends this parcel be rezoned to R-3 (Instead of R-1) in order to provide consistency with other area development zoning designations. **Motion:** Following review, Councilman Leroy Lancaster motioned to amend the designation of parcel #42A3-A-14 from M-1 to an R-3 zone. Councilwoman Nancy Shifflett seconded the motion with the following YEA: Council Members Shifflett, Snyder, Lancaster, Presgraves, and Racer. Approved 5-0.

**CITIZENS COMMENTS**

Mayor Dean invited guests in attendance to address the council with any comments or concerns they may have at this time.

Mr. Ken Beyer of 467 Pass Run Drive in Luray, addressed the council concerning a pedestrian crosswalk safety issue. Mr. Beyer stated he believes an effective crosswalk safety precaution used in the New England area could be utilized in Luray with the same effectiveness. At the edge of the crosswalks where a pedestrian steps off of the curb and into the painted crosswalk, the words: STOP, LOOK, and WAVE are paint stenciled on the roadway. This reminds the pedestrian to exercise caution before exercising their right-of-way.

**TREASURER’S REPORT**

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

<b>SunTrust Bank:</b>	
General Fund Account.....	\$ 2,659,815.45
<b>Pioneer Bank:</b>	
General Fund Account.....	\$ 0.00
<b>Cash on Hand:</b> .....	\$ <u>20,685.87</u>
<b>TOTAL:</b>	<b>\$ 2,680,501.32</b>
<b>Savings Accounts:</b>	
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 \$ 322,762.77. **Motion:** Councilman Racer motioned to approve payment of the list of invoices presented, seconded by Councilwoman Shifflett with the following council members voting YEA: Shifflett, Snyder, Lancaster, Presgraves, and Racer. Approved: 5-0.

### TOWN MANAGER'S REPORT

**Cable Television Franchise:** Jerry Schiro stated the town is in receipt of a Federal Communications Commission (FCC) Form 394 from Comcast Communications requesting authorization of a franchise transfer from Adelphia Cable. As a municipality, the town has control over endorsement of this type of transfer. Mr. Schiro stated due diligence is necessary to ensure the town citizens will be receiving a quality service. Due to the complexity of franchise negotiations, the Town Attorney will be reviewing the Form 394 before staff can provide direction concerning the transfer. Staff will request reimbursement from Comcast of all attorney fees associated with the review of transfer documents.

**Other Information:**

The new fiscal year budget and chart of accounts are now functional on the L.O.G.I.C.S. software. Mr. Schiro stated Mary Broyles and her staff did an excellent job with this implementation.

The Town website has been taken off-line due to out-dated material references. Mr. Schiro is working with a new webmaster to redesign the town site to include downloadable documents and forms along with the ability to provide interactive communications with town staff. Eventually, the town may also have electronic payment ability included within the website.

Staff has met with Page County regarding shared tax billing, GIS, and building regulation software. The intent is to have direct electronic access to the county databases in the town office and online via website links.

The Luray Fourth of July Celebration was a success thanks to the Luray Downtown Initiative. Mr. Schiro stated he has received numerous positive comments from the public about the event.

The Lord Fairfax Community College is proceeding on course. The HVAC system will be installed soon and town staff has been doing some of the demo work needed

Jerry Schiro stated council was provided with copies of a proposed agreement with the Luray Downtown Initiative. The agreement basically consists of services already provided by the LDI which will continue. Mr. Schiro requested Council review this document by the end of July. Unless Council brings forward any objections, Mr. Schiro will proceed with execution of this agreement.

Mr. Schiro announced that as the result of the hard work of Parks Director Pat O'Brien, his staff, and town volunteers, the Town of Luray has won the Virginia Municipal League's 2005 Achievement Awards competition for the Luray Hawksbill Greenway project. The town will be recognized for this prestigious award at the VML Conference in Richmond in October.

### 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 June 2005 and quarterly totals for the first and second quarters of 2005.
- **PARKS & RECREATION DEPARTMENT**  
Parks & Recreation Director, Pat O'Brien provided the following verbal department update:

**Greenway Project:** The Greenway ramp project is approximately 75% complete and Phase III is approximately 85% complete to date. For safety reasons, the parks department will have lighting installed on the Greenway where the trail leads under Highway 211.

Mr. O'Brien stated the Town of Luray will receive maximum grant funds in the amount of \$100,000.00 from the Department of Conservation and Recreation to implement Phase IV of the Hawksbill Greenway.

The town's eleventh mural will soon be painted under Route 340 along Phase II of the Greenway.

- **PUBLIC WORKS DEPARTMENT**

Public Works Director, Lynn Mathews stated all water tests were in compliance during the month of June. The department made three water taps, three sewer taps, and repaired five leaks. In reference to the stormwater drainage program, crews completed Mechanic Street and Route 340 during the month of June.

- **WASTEWATER TREATMENT DEPARTMENT**

Wastewater Superintendent, Charlie Hoke stated the wastewater facility is operating within all state and federal guidelines.

### OLD BUSINESS

#### **Draft Property Maintenance Code**

As requested by Council last month, Jerry Schiro presented a draft property maintenance code which represents a combination of verbiage used in several different jurisdictions. Mr. Schiro stated he researched and confirmed the Town of Luray adopted the Uniform Statewide Building Code in 1999 which delegates property maintenance responsibilities to the county and sets forth mandatory experience of a Code Enforcement Officer. The state code provides highly technical and complicated standards related primarily to building codes with property maintenance provisions which are difficult to enforce because its appeals process is subject to varying individual interpretation and would require the services of a consultant to evaluate subject properties. Mr. Schiro stated once the town adopts a property maintenance code, scrutiny and appeals will become common because of each person's different perceptions of what is considered refuse and lack of maintenance. The draft code presented in the council packets provides a less technical code and allows for the determination of non-compliance to be made by the Code Enforcement Officer and the town's governing body. Mr. Schiro requested council review this document thoroughly. If Council is considering adoption of the code presented, a public hearing will need to be held and the document will need to be highly publicized. Following further discussion, council directed staff to proceed with advertisement of a public hearing concerning adoption of the property maintenance code presented.

#### **Amendment of Council Resolution #2005-03-05**

Jerry Schiro stated Mr. John Lacava is requesting the amendment of Luray Town Council Resolution 2005-03-05 adopted in March 2005. The 501C Corporation established to promote the establishment of a performing arts and adult entertainment center at the B B & T Bank Building, has legally changed its name. Mr. Lacava is requesting the resolution be amended to reflect this change. **Motion:** Councilman Leroy Lancaster motioned to amend Council Resolution 2005-03-05 to reflect the non-profit organization name of the Regional Center for the Performing Arts of Luray, Incorporated. Councilman Barry Presgraves seconded the motion with the following council members voting YEA: Shifflett, Snyder, Lancaster, Presgraves, and Racer. Approved: 5-0.

### NEW BUSINESS

None

### MAYOR'S ANNOUNCEMENTS

Mayor Dean expressed appreciation for the excellent fireworks display provided on July 4, 2005 and for the dedication and hard work provided by Pat O'Brien and Key Beyers on the Hawksbill Greenway.

**ADJOURN**

There being no further business to transact, Mayor Dean adjourned the regular session of the Town Council.

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Mayor Ralph H. Dean

Attest:

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Shelley Owens, Deputy Clerk / Treasurer