

**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE  
TOWN OF LURAY, PAGE COUNTY, VIRGINIA  
September 12, 2005**

The Luray Town Council met in regular session on Monday, September 12, 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      William Menefee

**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  
Jason Spittler, Town Attorney  
Media: 2    Others: 26

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 August 8, 2005 Regular Meeting of the Luray Town Council were submitted for review. Councilman William Menefee stated the name Rita Hawkins needs to be deleted from page 1, under Public Comments, sentence two. **Motion:** Councilman William Menefee motioned to approve the minutes with the identified correction; motion seconded by Councilwoman Shifflett with the following YEA: Council Members Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. Approved 6-0.

Minutes of the September 8, 2005 Special Meeting of the Luray Town Council were presented for review. **Motion:** Councilwoman Shifflett 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.

**PRESENTATION OF E.P.A. ENVIRONMENTAL AWARD**

Jerry Schiro stated representatives of the E.P.A. and the Virginia Department of Health are present to honor the Town of Luray officials with an award for their efforts in source water protection. In 2003 the town received a grant in the amount of \$135,000 provided by the Virginia Water Supply Assistance Grant Fund Program which received funds from the E.P.A. These funds were used to acquire and secure 30 acres of land which surrounds the town's main source of ground water at Hite Springs. This land is particularly karst which makes the spring susceptible to surface contamination. In recognition of the town's proactive actions to protect their raw water source, the Region III office of the United States Environmental Protection Agency was in attendance to present an award to the Town of Luray. Mr. Schiro introduced Pete Weber with the Philadelphia Region III E.P.A. office, Delegate Allen Louderback of the Virginia House of Delegates, and Page County Board of Supervisor's Chairman, Mason Lockridge.

Mr. Weber stated the town is being awarded for their proactive land acquisition to protect Hite Spring. The insight to purchase the karst land surrounding the ground water source is the first line of defense in protecting the public water supply. The Virginia Department of Health nominated the Town of Luray for this award. Mr. Weber stated that over 7,000 public water systems in the Commonwealth were eligible for this award and of all these systems, the award is being presented to the Town of Luray.

Other speakers present to acknowledge the Town of Luray's efforts in source water protection included Mr. Chris Atkins, Source Water Supervisor of the Virginia Department of Health office in Richmond, Mr. Chuck Connor of the Regional Health Department and the Honorable Delegate Allen Louderback.

Mr. Weber presented Mayor Ralph H. Dean with an acrylic plaque from the E.P.A. Region III Philadelphia office which bears the inscription, "In recognition of the Town of Luray for their leadership in the protection of drinking water in 2005." Mayor Dean expressed his appreciation to Mr. Chuck Connor who helped make this award possible through his community involvement and assistance over the years. Mr. Weber also presented Mayor Dean with a framed certificate from the E.P.A. to express appreciation for the leadership, innovation, and dedication to source water protection demonstrated by the Town of Luray.

### **PUBLIC HEARINGS**

#### ***Alley Acquisitions: Joyce Shifflett and John & Diane Owen Page County Tax Map I.D. 42A11-18-87***

Assistant Town Manager, Rick Black opened discussion of a public hearing to hear citizen comment regarding Ms. Joyce Shifflett's request to acquire the 20 foot right-of-way / alley which separates lots 1, 2, and 3 from lots 14, 15, 15A, and 16 between Third and Fourth Streets.

Mr. Lynwood Foltz, owner of lot 15A, stated this alleyway is the only access he has to the back of his property and he would like council to take this into consideration before dedicating the alley to Ms. Shifflett. The property owner of lot 14 expressed her opposition to the alley dedication because she also utilizes the alley to access her property from the back.

In reference to Mr. and Mrs. Owen's request for acquisition of the alley way which separates lot 12 from lots 9,10, 10A, and 11, no adjacent property owners were in attendance to oppose this alley dedication.

**Motion:** Following further discussion, Councilman William Menefee motioned to table the alley acquisition request from Ms. Joyce Shifflett until the October Council meeting and to approve the alley acquisition request from Mr. and Mrs. Owen. Councilman Rock Racer seconded the motion with the following YEA: Councilmember Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. Motion carried 6-0.

### **GENERAL CITIZEN COMMENTS**

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

Ms. Vicki Pitts of the Luray Tree and Beautification Committee presented a pamphlet and a verbal presentation outlining the accomplishments of the Committee over the last five years. These accomplishments include the town's dedication as a Tree City U.S.A. and many beautification projects such as the planting of over 2,500 trees, the placement of flower planters throughout the town, and active participation in numerous other town beautification projects.

Mr. Lee McWhorter addressed council to express appreciation for the council and staff's dedication to the Hawksbill Greenway project and to encourage continued cooperation between the Town of Luray and Page County officials.

Mr. Bud Gregory addressed council to request the removal of a very large tree along the greenway which needs to be removed for safety reasons. Mr. Gregory also requested council's cooperation to have a

sign erected at the Flowering Forest Memorial Park which would be dedicated to all of the volunteers who have helped make Luray and Page County a better place to live.

### TREASURER'S REPORT

Treasurer's Report of Cash on Hand as of September 12, 2005:

<b>SunTrust Bank:</b>	
General Fund Account.....	\$ 2,647,820.40
<b>Pioneer Bank:</b>	
General Fund Account.....	\$ 0.00
<b>Cash on Hand:</b> .....	\$ <u>79,254.90</u>
<b>TOTAL:</b>	<b>\$ 2,727,075.30</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 \$ 234,280.87. **Motion:** Councilman Snyder motioned to approve payment of the list of invoices presented, seconded by Councilwoman Shifflett with the following council members voting YEA: Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. Approved: 6-0.

### TOWN MANAGER'S REPORT

**Town Website:** Jerry Schiro stated a mock website link was provided to all council members to enable viewing of the new town website prior to the site becoming live on the web. The website is approximately 95% complete. Mr. Schiro stated the site showcases some of the town's natural beauty and the theme will be "Your Kind of Town." Mr. Schiro requested council participation in reviewing the site and offering any suggestions they may have.

**Train Depot Restoration:** The Depot windows are scheduled for delivery on September 21, 2005 and will take approximately two weeks to install. Staff is hoping to coordinate this project with Anderson Windows during their participation in the construction of the Habitat for Humanity House scheduled in October. Staff would like to provide a public recognition of EMCO's efforts for Page County Habitat for Humanity and at the same time, recognize Anderson Windows for their Depot window donations.

#### **Other Information:**

- The B B & T Bank is now under construction in the Food Lion Shopping Center.
- Luray Caverns held their annual celebration in August. Town staff assisted with public safety and traffic control.
- Sidewalk restoration is now complete on Hawksbill from Mechanic to Main Street. Sidewalks have also been installed on Court Street between Main and Mechanic Streets.
- Mr. Schiro and Powell Markowitz submitted a grant in the amount of \$157,000.00 for the airport which will be funds used to continue the capital improvement projects.
- The Luray Downtown Initiative hosted a two day session with Arnett Muldrow and Associates to develop preliminary strategies for marketing downtown business districts as well as designing logo ideas and promotional themes for the town.
- Preliminary cost estimates have been received from Patton, Harris, Rust, and Associates on the proposed water filtration plant. In 1999, council voted against accepting a secured loan for just under six million dollars to construct the plant. The recent cost estimates are showing an estimated cost of only three million dollars to construct the filtration plant. Staff will begin exploring various loan options available for this project.
- LDI has invited town officials to their fund-raiser to be held this Friday, September 16, 2005 at the Caverns restaurant.
- Living Towns will be hosted by the Town of Luray at the Luray Fire Station on September 21, 2005.

## DEPARTMENTAL REPORTS

- **PARKS & RECREATION DEPARTMENT**

Jerry Schiro stated Parks & Recreation Director, Pat O'Brien is ill and can not be in attendance tonight. Mr. Schiro provided the following Parks Department updates:

- ▶ The Hawksbill creek restoration project is currently in progress. Funds for this project were provided through a \$20,000 grant from the National Fish and Wildlife Federation.
- ▶ The pedestrian ramp on the greenway under the Main Street Bridge is now complete. Staff would like to schedule a grand opening for the ramp along with Phase III of the Greenway. Mr. Schiro stated the Rotary Club deserves recognition for their \$10,000 donation made for the construction of the pedestrian ramp. Mr. Schiro thanked Pat O'Brien and Mr. Ken Beyer for their work in obtaining grants for the greenway and their assistance in development of the project.
- ▶ The Midget Football and Soccer League season has begun at the Recreation Park.

- **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 August 2005. Chief Campbell stated the department has two new recruits and will be hiring three additional officers next week. This brings the department to thirteen sworn officers including the code enforcement officer.

- **PUBLIC WORKS DEPARTMENT**

Public Works Director, Lynn Mathews stated all water tests were in compliance during the month of August. The department made three water taps, three sewer taps, and repaired six leaks. Other activities this month include cleaning of catch basins and street sign maintenance.

- **WASTEWATER TREATMENT DEPARTMENT**

Wastewater Superintendent, Charlie Hoke provided an update on the town's sewer pump stations. In order to provide automation, staff has been working on getting phone lines installed at each of the thirteen stations. Mr. Hoke stated the wastewater facility is operating within all state and federal guidelines.

## TOWN ATTORNEY'S REPORT

Town Attorney, Jason Spitler informed council that after further investigation of the legalities involving the town's proposed property maintenance code, he has found adoption of the code to be unconstitutional. The town is governed by the state code which involves complicated enforcement procedures. Published case law indicates a town or city can not supersede state laws pertaining to building code enforcement. Mr. Spitler indicated that the State of Virginia 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.

Mr. Schiro stated the council has no other option but to comply with state codes because all municipalities in the state are bound by these laws even if the local authority never officially adopts them. Councilman Presgraves questioned whether or not the town could adopt specific laws concerning property maintenance through creation of individual ordinances. Mr. Spitler stated this would be a possibility. Following further discussion, Mayor Dean stated the council needs to meet in special session to further discuss all available options for the enforcement of standard property maintenance in the town.

## OLD BUSINESS

### **Resolution 2005-09-01 – V.D.O.T. Street Acceptance**

Jerry Schiro stated the ordinance presented provides for adoption of street additions for municipal assistance payments from the Virginia Department of Transportation for streets located in The Ridge at Forest Hills including Heritage Drive and Forest Hills Drive. Mr. Schiro stated the presented resolution needs to be amended to include Massanutten Place. Mr. Schiro stated the erosion and sedimentation issues discussed at previous meetings, has now been resolved and the county has released this bond.

**Motion:** Councilman Menefee motioned to approve Resolution 2005-09-01 with the amendment to include Massanutten Place. The motion was seconded by Councilman Racer with the following council members voting YEA: Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. Approved: 6-0.

### **Committee Appointments**

Jerry Schiro requested council provide direction concerning the appointment of committee members. Councilwoman Shifflett proposed an amendment to the committee appointment procedures by allowing each council member and the mayor to select one individual for each town committee with terms becoming effective on January 1, 2006. Mrs. Shifflett further proposed the appointments be tabled until council has had time to consider their appointments. **Motion:** Councilwoman Shifflett motioned to accept the proposal for committee appointment procedures with committee member terms to coincide with the official who made the appointment beginning January 1, 2006. Councilman Presgraves seconded the motion with the following council members voting YEA: Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. Approved: 6-0.

### **United Way – Request for Donation**

Jerry Schiro stated Ms. Paula Kibler addressed council last month to request a donation for the Page County United Way in the amount of \$600.00. **Motion:** Councilwoman Shifflett motioned to approve a donation in the amount of \$600.00 for the Page County United Way. Councilman Menefee seconded the motion with the following council members voting YEA: Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. Approved: 6-0.

## NEW BUSINESS

### **Re-Appointment of the Town Manager and Clerk-Treasurer**

Mr. Schiro stated the first item under new business is the annual council appointment of the Town Manager and the Town Clerk / Treasurer. **Motion:** Councilman Menefee motioned to re-appoint the current Town Manager, Jerry Schiro and the current Town Clerk / Treasurer, Mary Broyles. Council unanimously seconded the motion with the following recorded YEA votes: Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. Approved: 6-0.

### **Grand Opening Ceremony**

Jerry Schiro stated staff would like to schedule a grand opening ceremony to officially announce the opening of the pedestrian walkway under Main Street Bridge and Phase III of the Hawksbill Greenway. When the plaques for the Rotary Club are received, Mr. Schiro will provide some tentative dates for council consideration.

### **Dedication of Alleyway**

Mr. Tom Watroski was not present to discuss his request for dedication of the alleyway adjoining his property.

### **Luray High School**

Jerry Schiro requested council direction concerning their views and formal position involving the proposed relocation of the Luray High School. Mayor Ralph Dean stated he is completely opposed to this proposal. Councilman Menefee stated the council needs to compose a letter to the Page County Board of Supervisors and the School Board to convey the Luray Town Council's strong opposition to the proposed relocation of Luray High School. Councilwoman Shifflett provided council with information concerning the travel studies provided to the School Board in relation to the proposed relocation. Ms. Shifflett stated she does not want to lose Luray High School and she is strongly opposed to losing the Luray Middle School. Following further discussion, Mayor Ralph Dean directed staff to compose a letter to the Page County Board of Supervisors and the School Board to state council's official position of opposition regarding the relocation of Luray High School.

### **MAYOR'S ANNOUNCEMENTS**

Mayor Dean stated he had no further issues to discuss at this time.

### **EXECUTIVE SESSION**

Mayor Dean requested a motion to adjourn to Executive Session for the purpose of discussing real estate and legal matters in closed session permissible under the Code of Virginia, Section 2.2-3711(3) & (7). **Motion:** Councilwoman Nancy Shifflett motioned to recess the regular meeting and convene in closed session; Councilman Menefee seconded the motion with the following council members voting YEA: Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. Approved 6-0.

### **RECONVENE & ADJOURN**

After reopening the regular session, Council agreed only real estate and legal matters were discussed during the Executive Session. 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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Michelle Owens, Deputy Clerk / Treasurer