

**MINUTES**

**LURAY TOWN COUNCIL**

**SEPTEMBER 13, 2004**

The Luray Town Council met in Regular Session on September 13, 2004 at 7:00 p.m. with Mayor Ralph H. Dean presiding over the meeting. Council members present were Leroy Lancaster, Barry Presgraves, Earl Racer, Nancy Shifflett, William Menefee and Gerald Snyder. Also present were Jerry Schiro, Town Manager, Lonnie Arrington, Assistant Town Manager, Cindy Bushey, Clerk-Treasurer, Mary Broyles, Deputy Clerk-Treasurer, Chief Page Campbell, Lynn Mathews, Superintendent of Public Works, David O'Brien, Parks and Recreation Director, and Charles Hoke, Wastewater Treatment Plant Supervisor.

**CONSIDERATION OF MINUTES**

Councilman Menefee made the motion, seconded by Councilwoman Shifflett to approve the minutes of August 09, 2004 as presented with the vote as follows: YEA: Council members Lancaster, Presgraves, Racer, Shifflett, Menefee and Snyder.

Councilman Snyder made the motion, seconded by Councilman Menefee to approve the minutes of August 23, 2004 as presented with the vote as follows: YEA: Council members Lancaster, Presgraves, Racer, Shifflett, Menefee and Snyder.

## **CITIZEN COMMENTS**

### **Luray Downtown Initiative**

Bonnie Anthony, President of the Luray Downtown Initiative, was present to update Council on the events that the Downtown Initiative had previously sponsored. She announced that Luray had been granted the Virginia Main Street Designation in July and briefed Council on their schedule for the upcoming months.

### **David Ponn, Principal of Luray High School**

Mr. David Ponn, Principal of Luray High School, was present to request permission from Council to hold a Homecoming Parade on September 29. He stated the parade would start at approximately 6:00 p.m. and would require an interruption in traffic.

Councilman Menefee made the motion, seconded by Councilman Lancaster to approve the request to hold a Homecoming Parade with the vote as follows: YEA: Council members Lancaster, Presgraves, Racer, Shifflett, Menefee and Snyder.

### **Greg Lockridge - Eugene Park**

Mr. Lockridge was present to update Council on the Eugene Park Shelter. He thanked Council for their support and stated the shelter was complete except for some final grading.

### **Paula Kibler - United Way**

Ms. Paula Kibler was present to ask Council for their support with their fund drive. She stated that the United Way supports fourteen agencies. She requested that the town donate \$200.00 toward this fund drive.

### **Powell Markowitz - Luray/Page County Airport Commission**

Mr. Markowitz was present to address Council regarding advanced funding to finish the current airport project. He stated they need an additional \$120,000.00 to complete the project which will be ahead of schedule. He asked Council to advance \$60,000.00 to the airport project which would be reimbursed in 2005 by the FAA. He stated they would like to finish the project while the

contractor is still on site. It will cost substantially more if the contractor has to return next year. Mr. Schiro stated that should Council wish to consider this request, they might consider endorsing a short term loan for the Airport Commission rather than appropriating the capital from the current budget.

Councilwoman Shifflett made the motion, seconded by Councilman Snyder to approve, if necessary, endorsing a short-term loan for the airport commission with the vote as follows: YEA: Council members Lancaster, Presgraves, Racer, Shifflett, Menefee and Snyder.

Stewart Parlett asked to address Council in the Executive Session or at the end of the Executive Session when there was no one present. Mr. Schiro stated that there were only certain topics that would allow Council to go into Executive Session. He informed Mr. Parlett that he could speak at the present time or at the end of the meeting but there may be other people present.

## **PUBLIC HEARINGS**

### **Chlorination Building**

A Public Hearing was advertised to hear public comments from interested citizens concerning the transfer of a parcel of public property located at the intersection of Fairview Road and Brookstone Road to Mr. Edward Fox of 1964 Brookstone Road, Luray, Virginia. Mr. Schiro recommended this be deferred due to the recent problems with the water. He stated that this building could be modified to pre-chlorinate water from the reservoir.

### **Vacation of Public Right-of-Ways**

A Public Hearing was held to hear public comments from interested citizens concerning the request to vacate a portion of a public right-of-way with the Town of Luray. This right-of-way is between Third and Fourth Streets and Luray Avenue and Sixth Avenue (Tax Map # 42A11-(18)-72-12).

This request was made by Mr. and Mrs. Timmy Gray. Mr. Arrington stated there were at least three people, whose property joins this alley, that has objected to the closing. He also stated that the Street Committee does not support the approval of this request.

Mayor Dean stated that this was a public hearing and a final decision would be made at the October Council Meeting.

A Public Hearing was held to hear public comments from interested citizens concerning the request to vacate a portion of a public right-of-way within the Town of Luray. This right-of-way is between Fourth Street and Fifth Street (Tax Map # 42A11-(18)-88-12). Mr. Arrington stated that this alley is land-locked and would be divided between Mr. Turner and Ms. Slye who are the adjoining property owners. The Street Committee supports the approval of this request.

Councilman Menefee made the motion, seconded by Councilman Presgraves to approve the request to vacate the public right-of-way with the vote as follows: YEA: Council members Lancaster, Presgraves, Racer, Shifflett, Menefee and Snyder.

#### **Phillip Lang - Special Use Permit**

A Public Hearing was held to hear public comments from interested citizens concerning a request for a Special Use Permit from Mr. & Mrs. Phillip Lang, 468 Fairview Road, to construct a Manufactured Home on a 50' x 140' parcel on Fifth Street which is zoned R-4.

Councilwoman Shifflett made the motion, seconded by Councilman Lancaster to approve the application submitted by Mr. and Mrs. Phillip Lang for a Special Use Permit with the vote as follows: YEA: Council members Lancaster, Presgraves, Racer, Shifflett, Menefee and Snyder.

#### **Gregory Hoak - Special Use Permit**

A Public Hearing was held to hear public comments from interested citizens concerning a request for a Special Use Permit from Mr. Gregory Hoak, 460 Pear Street, Harrisonburg, Virginia to operate a woodworking and furniture repair shop at 154 Planing Mill Road. The property is presently zoned Industrial M-1 which makes the special use permit a necessity. Mr. Arrington stated that the Planning Commission recommends approval of this request.

Councilman Menefee made the motion, seconded by Councilman Lancaster to approve the application submitted by Mr. Gregory Hoak for a Special Use Permit with the vote as follows: YEA: Council members Lancaster, Presgraves, Racer, Shifflett, Menefee and Snyder.

### **Page Cooperative Farm Bureau - Request for rezoning**

A Public Hearing was held to hear public comments from interested citizens concerning a request from Page Cooperative Farm Bureau to rezone 139 Virginia Avenue from B-1 to M-1 which would allow for manufacturing. Mr. Arrington stated that the Planning Commission recommends approval of this request.

Councilman Menefee made the motion, seconded by Councilman Racer to approve the application for rezoning with the vote as follows: YEA: Council members Lancaster, Presgraves, Racer, Shifflett, Menefee and Snyder.

### **Eric Morris t/a Luray Woodworks - Special Use Permit**

A Public Hearing was held to hear public comments from interested citizens concerning a request for a Special Use Permit from Mr. Eric Morris to manufacture custom wood products at 139 Virginia Avenue. Mr. Arrington stated that the Planning Commission recommends approval of this request.

Councilman Menefee made the motion, seconded by Councilman Snyder to approve the application submitted by Mr. Eric Morris for a Special Use Permit with the vote as follows: YEA: Council members Lancaster, Presgraves, Racer, Shifflett, Menefee and Snyder.

### **Adoption of Official Zoning Map**

In accordance with Article III, Section 301.4 of the Luray Town Code, the Governing Body, by Resolution, is proposing to adopt a new Official Zoning Map, which will supersede the prior Official Zoning Map, because of the nature or number of changes and additions to the prior map. The Luray Town Council held a Public Hearing to hear public comments from interested citizens concerning this proposal. Mr. Arrington stated that all documents pertaining to this proposal had been available to be viewed at the Office of the Town Manager.

Councilman Menefee made the motion, seconded by Councilman Presgraves to approve Resolution adopting the new Official Zoning Map with the vote as follows: YEA: Council members Lancaster, Presgraves, Racer, Shifflett, Menefee and Snyder.

Mr. Arrington stated the Planning Commission will be meeting to work on the comprehensive plan.

**TREASURER'S REPORT**

Treasurer's Report of Cash on Hand as of September 13, 2004.

SunTrust Bank:

General Fund Account	\$ 2,993,401.42
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Pioneer Bank:

General Fund Account	.00
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Cash on Hand	9,427.82
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Total	\$ 3,002,829.24
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Savings Accounts:

PVB - FmHA Sewer Plant Sinking Fund	\$ 28,788.00
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Cindy Bushey, Town Clerk/Treasurer, submitted to Council for their approval Accounts Payable invoices in the amount of \$508,443.71.

Councilman Snyder made the motion, seconded by Councilwoman Shifflett to approve payment of the Accounts Payable invoices as presented with the vote as follows: YEA: Council members Lancaster, Presgraves, Racer, Shifflett, Menefee and Snyder.

## **TOWN MANAGER'S REPORT**

Mr. Schiro stated that his report was based on the remaining topics on the agenda and he would make his comments as they are discussed.

## **DEPARTMENTAL REPORTS**

### **PUBLIC SAFETY AND EMERGENCY SERVICES COORDINATOR'S REPORT**

Chief Campbell stated that the Police Department answered 273 calls for services during the month of August. He stated that there were no significant problems during fair week.

### **PARKS & RECREATION**

Mr. O'Brien stated that the three Eagle Scout projects at Carillon Pond Park have been completed. He stated that they were continuing to work on the Main Street Pocket Park and the Luray Caverns has donated \$5,000.00 toward the development of the pocket park. Bill Dudley and Dave Slye have donated the benches for the park.

Mr. O'Brien stated that in the past six years, area residents have donated approximately \$75,000.00 to the Town's Parks and Recreation Department which does not include Little League donations.

The next mural will be on the side of the Chamber of Commerce building which will be painted by John Graves.

Mr. Paul Revell, Virginia's Urban Forestry Coordinator, has nominated Luray's Greenway and Mural Projects and the Main Street designation for an award from the Scenic Virginia Awards Program. Mr. O'Brien stated that the Award winners should be announced soon and he would keep Council posted.

Mr. O'Brien stated that there were funds in the amount of \$3,483.80 remaining from the dissolved Bridge Theatre Group. He stated that he and Mr. Schiro had met with Mr. and Mrs. Mills and they would like to donate these funds to the Town. The one stipulation that they requested was that the money be used for some type of addition to the Plaza/Stage area.

Mr. Schiro stated that this money was donated by citizens and Mr. & Mrs. Mills would like to close the account but would like to also see it used for the arts. Mr. O'Brien stated that he had suggested to Mr. & Mrs. Mills that the money be used for the railing around the stage area.

It was the consensus of Council that the money be used for the railing around the stage area.

Mr. O'Brien stated that he had met with the Town Manager and the Recreation Committee. It was suggested that he go over planned upcoming projects to ensure that everyone is still on the same page. He stated that both of the projects have previously been approved by Council although it was quite sometime ago.

Mr. O'Brien summarized Phase 3 of the Greenway for Council. He stated that seven of the nine benches in the designers plan along this trail have already been donated as well as the picnic table. He also updated Council on the Plaza Project. They have installed the landscaping, the ramp and painted the concrete. The next two things he would like to construct are a removable arbor, and a small granite monument. Both of these items were in the plans that were approved at the December Council Meeting. Mr. O'Brien stated that he has received \$1080.00 toward the arbor and \$600.00 toward the arbor swings.

## **PUBLIC WORKS**

Lynn Mathews stated the major priority this month was working closely with the Health Department on the water. Chlorine levels were raised and daily water sample were taken and tested. The reservoir was isolated and he stated he has been instructed to drain the reservoir. Mr. Schiro stated enough water will be left

in the reservoir to allow divers to check the reservoir cover. Mr. Schiro stated the town may need to start chlorinating close to the source which had been stopped when the old line was removed. Councilman Lancaster stated the eight inch line that feeds into the eighteen inch should be looked at. He stated the eight inch should be replaced with an eighteen inch. Mayor Dean stated that Chuck Connors has suggested putting a pump in the reservoir.

Mr. Schiro stated that Council should start thinking about a filtration plant which would allow the well to be put into the system. Councilman Lancaster stated Yagers Spring could also be put into the system.

Mr. Mathews also updated Council on the various projects performed by the public works crew throughout the month.

#### **WASTEWATER TREATMENT PLANT**

Mr. Charlie Hoke updated Council on the operations of the Wastewater Treatment Plant. He stated that in the month of August, they had spent approximately sixteen hours on infiltration and inflow but to date has spent approximately thirty two hours in September.

#### **OLD BUSINESS**

##### **Resolution to Amend Chapter 15 of the Luray Town Code**

Mr. Schiro stated he had been directed by Council to prepare the necessary ordinance changes to place the Police Chief as a Department head under the Town Manager. Enclosed in the Council agenda packet was a Resolution, which has been reviewed and approved by Counsel. Mr. Schiro stated that if Council wishes to proceed with this change, the Resolution should be adopted.

Councilman Presgraves made the motion, seconded by Councilman Lancaster to adopt the Resolution with the vote as follows: YEA: Council members Lancaster, Presgraves, Racer, Shifflett, Menefee and Snyder.

Mr. Schiro stated that he had received the evaluation and recommendation report from Conservation Solutions, a monument restoration consultant, procured to evaluate the two Confederate Monuments located in the Town of Luray.

The monument at South Broad and Virginia Avenue overall is in good condition. The most significant area of concern is the second base step on the south side. There is significant cracking in the marble.

The East Main Street Monument is in poor condition. The joints have deteriorated allowing water penetration and subsequent structural damage as a result of freezing and thawing.

The consultants recommend that the town have a structural engineer assess the damage and ascertain if there are structural concerns regarding the stability of the monuments. Mr. Schiro stated that the estimate for restoring the Broad Street monument is \$65,000.00 and the cost estimate for the East Main Street monument is \$95,000.00. This does not include any work from a structural engineer.

Councilwoman Shifflett asked if there were any historical grant available for this type of project. Mr. Schiro said he would check to the availability of any funds.

## **NEW BUSINESS**

### **Capital Projects for Water Treatment**

Mr. Schiro stated this has already been discussed. He stated that all water tests are now clean.

Mayor Dean thanked Mr. Schiro for the extra time he spent overseeing the water problems. Mr. Schiro stated that the Town had done everything possible to ensure that citizens had quality drinking water. He stated that the Town had spent approximately \$16,000.00 for bottled water that was distributed to Town residents.

#### **MAYOR'S ANNOUNCEMENTS**

Mayor Dean stated that he did not have anything to report but thanked the citizens for attending the meeting.

#### **EXECUTIVE SESSION**

Councilman Presgraves made the motion, seconded by Councilman Racer to go into Executive Session to discuss Personnel under Code of Virginia section 2.2-3711-(1) with the vote as follows: YEA: Council members Lancaster, Presgraves, Racer, Shifflett, Menefee and Snyder.

Following the Executive Session, Council reconvened in Open Session.

Council agreed that only matters pertaining to Personnel were discussed in the Executive Session.

Councilwoman Shifflett made the motion, seconded by Councilman Presgraves to reappoint Jerry Schiro as Town Manager with the vote as follows: YEA: Council members Lancaster, Presgraves, Racer, Shifflett, Menefee and Snyder.

Councilman Lancaster made the motion, seconded by Councilman Racer to reappoint Cynthia Bushey as Town Clerk-Treasurer through December 31, 2004 with the vote as follows: YEA: Council members Lancaster, Presgraves, Racer, Shifflett, Menefee and Snyder.

Councilman Presgraves made the motion, seconded by Councilman Lancaster to appoint Jason Spitler as Town Attorney with the vote as follows: YEA: Council members Lancaster, Presgraves and Snyder. NAY: Council members Racer, Shifflett and Menefee. YEA: Mayor Dean voted due to a tied vote.

Councilwoman Shifflett made the motion, seconded by Councilman Lancaster to adopt the State Traffic Laws with the vote as follows: YEA: Council members Lancaster, Presgraves, Racer, Shifflett, Menefee, and Snyder.

With no further business, the meeting was adjourned.

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Mary Broyles  
Clerk to Council

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Ralph H. Dean  
Mayor