

**A REGULAR MEETING OF
THE TOWN COUNCIL
OF THE TOWN OF LURAY, PAGE COUNTY, VIRGINIA**

MONDAY, March 12, 2012

The Luray Town Council met in regular session on Monday, March 12, 2012 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 Barry Presgraves

Council Present: Ronald Vickers
Mary Menefee
Leroy Lancaster
Jerry Schiro
Earl Racer

Council Absent: Lonnie Arrington

Distinguished Guests: Senator Mark Obenshain, Virginia 26th District
Delegate Todd Gilbert, Virginia 15th District

Also Present:

Rick Black, Town Manager
Bryan Chrisman, Assistant Town Manager
Mary Broyles, Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Jason Spitler, Town Attorney
Ligon Webb, Town Planner
Charlie Hoke, Director of Utilities
Pat O'Brien, Director of Parks and Recreation
Lynn Mathews, Director of Public Works
Liz Lewis, Luray Downtown Initiative
Pam Flasch, Luray Bicentennial Committee
Briana Campbell, Luray Page County Chamber of Commerce

John Meaney, Luray Planning Commission
Powell Markowitz, Luray Page County Airport Commission
Steven Jessee, Shellshock Tattoo Studio
Jennifer Orenic, Luray Earth Day Celebration
Vicki Pitts, Luray Tree & Beautification Committee
Members of the Luray Tree & Beautification Committee
Kendra Wilson, Miss Luray 2012
Frankie Seaward, Luray Midget League
Ronald Payne, Luray Midget League
Diane Griffith, Luray Little League

A quorum being present, Mayor Barry Presgraves declared the Council to be in session for the transaction of business. All present stood for a moment of silence. Councilman Vickers led everyone in reciting the United States Pledge of Allegiance.

WELCOME

Mayor Presgraves welcomed distinguished guests, Senator Mark Obenshain and Delegate Todd Gilbert to the meeting. He expressed appreciation for the proclamations from both houses of legislation.

Mayor Presgraves also welcomed the current Miss Luray- Kendra Wilson. Miss Wilson is the first “Miss Luray” crowned in over thirty years on behalf of the town.

CONSENT AGENDA

Motion: Councilman Schiro motioned to approve the Consent Agenda, motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Schiro, Racer. **Approved 5-0**

Consent Agenda

- A) *Minutes of the February 13, 2012 Regular Council Meeting.*
- B) *Minutes of the February 21, 2012 Council Work Session.*
- C) *Minutes of the February 28, 2012 Council Work Session.*
- D) *Financial Report for the period February 1-29, 2012.*
- E) *Accounts payable checks totaling \$ 193,740.54.*

PUBLIC HEARING

Revised Zoning Map

Town Planner, Ligon Webb, announced one public hearing for the evening regarding a revised official zoning map. Mr. Webb advised that there were only two specific zoning changes. He stated that the last revision took place in September 2009. Councilman Vickers asked Mr. Webb to point out the changes on the revised map. Mr. Webb explained that the revisions included two additional business districts. The first is the rezoning at Luray Caverns which was changed from industrial; the second rezoning is for Valley Health Page Memorial Hospital which was changed from residential.

Mayor Presgraves opened the public hearing for citizen comment. With no comments from citizens, the hearing was closed. **Motion:** Councilman Lancaster motioned to approve the zoning map, motion seconded by Councilwoman Menefee with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Schiro, Racer. **Approved 5-0**

GENERAL CITIZEN COMMENTS

Luray Tree and Beautification Committee

Ms. Vicki Pitts spoke before Council representing the Luray Tree and Beautification Committee. Ms. Pitts introduced the members and volunteers; Dixon Freeland, Nancy O’Brien, Brenda Beahm, Laura Butler, Layne Vickers (not present), Mark Flasch (not present), Krista O’Grady, and Katie Sokol. Ms. Pitts announced that Luray has been awarded its 12th Annual Tree City USA designation and 9th Annual Growth Award. Ms. Pitts stated that next year the town will receive the Sterling Award; which recognizes the 10th annual designation for the town.

Ms. Pitts advised members that Layne Vickers and Krista O’Grady are working on recycling education efforts in both public and private schools. A poster contest will be available to all participants to

recognize the 2012 Arbor Day celebration on April 28th. Ms. Pitts discussed other recycling efforts and projects for the committee. Previous and current projects include the Luray Christmas Parade, window decorating contest, Earth Day celebration assistance, and participating in the Volunteer Trade Show. Ms. Pitts also said that the committee will be working on a float for the Festival of Spring Parade and expressed the committee's support for the event.

Ms. Pitts stated that it's the committee's pleasure to work with the Luray Town Council and Mayor and thanked them for their support. She recognized Councilman Schiro and Councilman Racer for their service, as they will not stand for reelection for upcoming member terms.

Lastly, Ms. Pitts provided a rendering of waste receptacles to be implemented along the Hawksbill Creek. These receptacles will provide a place for fisherman to dispose of small trash items, hooks, etc. that may be harmful to children or pets if left along the creek side. She asked for Council's support of the purchase of these containers. Mayor Presgraves thanked the committee for their work and dedication to keeping Luray beautiful.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Liz Lewis reviewed recent events that have been hosted by LDI. Ms. Lewis advised members that the Volunteer Trade Show was a huge success and added that some organizations left with as many as sixteen new volunteers. The Art's Council Town Meeting was held on March 6th and also saw many participants. She added that the ideas heard at the meeting will be incorporated into grants received from Virginia Enterprise Initiative with partners People Inc. and Page Valley Arts Council. Ms. Lewis said that in January 2012, LDI applied for a \$25,000 dollar downtown improvement grant from DHCD. Ms. Lewis announced that LDI was recently awarded this grant for the Broad Street gateway project. Ms. Lewis said that the Bridge Theater feasibility study is due in May 2012. Festival of Spring planning is underway with applications and deposits being received daily. The Virginia Festival Magazine features Luray's Festival of Spring on the inside cover of the publication. Ms. Lewis told Council members that the event rack card is being printed and includes the QR code for Smartphone users.

Ms. Lewis discussed a letter from Board President, Monte Layman, regarding the Todd Barman/National Mainstreet Report. Ms. Lewis said that the board has prepared an executive summary of the report and would like feedback from Council before distributing.

Luray/Page County Chamber of Commerce

Ms. Briana Campbell began her report with the statistics for February 2012. She noted 344 local calls, 363 local walk-ins, 119 tourist calls, and 467 tourist walk-ins. Ms. Campbell attributed the high numbers to favorable weather and Bicentennial events. Ms. Campbell said that the 4th Annual Tourism Kick-off was a success. The next Business After Hours will be held on March 15th at the Trackside Theater home to the Blue Ridge Youth Theater. Ms. Campbell added that the new website design continues and she hopes to have a 'soft launch' by the end of May. Councilwoman Menefee confirmed with Ms. Campbell that this project is grant funded.

Luray Bicentennial

Ms. Pam Flasch noted new events that have been scheduled or revised. She advised members that Congressman Eric Cantor will be visiting on April 5th and will honor the Town with a proclamation that is to be presented on the U.S. House Floor. The Page News and Courier Essay Contest has been moved to April and will be time capsule themed. The Square Dance has been moved to 3:00pm on April 28th to coincide with Arbor Day. Ms. Flasch said that the tentative date for the hospital groundbreaking ceremony is May 1st. Flyers can be found online for the Bicentennial Festival of Spring Parade. Also, Ms. Flasch told attendees that the Main Street Singers will be doing a musical tribute for the Bicentennial and will dedicate their intermission to recognizing Town Council members both past and present. Another new event includes the Railroad/Ag Bicentennial Day scheduled for June 16th.

Airport Commission

Mr. Powell Markowitz advised members that the Baker Development property has been settled and that the commission awaits title certification. Once this process is complete the reimbursement paperwork will be submitted. Mr. Markowitz reported that one large hangar unit is available and possibly two or three small units. He also advised Council members and staff that the jet fuel tank is scheduled to arrive tomorrow and should be installed on Wednesday. Mr. Markowitz said that the local share of funds has been received from Page County. Lastly, Mr. Markowitz said that the next commission meeting is scheduled for Wednesday, March 21st at 7:00pm.

Earth Day- Jennifer Orenic

Mayor Presgraves apologized for overlooking Ms. Orenic during the citizen comment portion of the meeting and asked that she speak at this time. Ms. Jennifer Orenic stated that she is speaking on behalf of the Earth Day Committee and that she would like to make a financial request in the amount of \$500. She explained that this contribution covers the cost of advertising for the event and would also like to ask for the town's staff to assist with the celebration. Mr. O'Brien, Director of Parks and Recreation, asked Ms. Orenic to elaborate on the items planned. Ms. Orenic said that the event is usually held from 10:00am to 4:00pm with vendor booths, 5k race for adults, 1k race for children, and duck race.

DEPARTMENTAL REPORTS

POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES

Mayor Presgraves stated that Chief Page Campbell was not present this evening. The police report can be found in Council's informational packet for the meeting.

PARKS AND RECREATION

Pat O'Brien, Director of Parks and Recreation, stated that the Luray Tree and Beautification Committee has been working with CDAC of Virginia Tech on several conceptual projects for Luray. Mr. O'Brien stressed that these are only conceptual plans and were drafted at no cost to the town. He explained that 'CDAC' stands for Community Design Assistance Center and is a program for college students to work

with communities to prepare conceptual designs as part of their studies. Over the past year representatives have been working with two students on the designs that you will be seeing this evening; unfortunately those students could not be present. The first project is the Chinquapin Oak area on South Court Street. This design shows a developed pocket park adjacent to the proposed new county office building. The pocket park would include a loop trail, seating, arbor structure, and greenway directional signage. The focus of this concept would be the preservation of the historic Chinquapin Oak tree. Mr. O'Brien reminded that this park area would be on county owned property. Ken Beyer, Hawksbill Greenway Foundation President, said that the main concern of the foundation is the protection of the tree during the construction phase of the proposed office area. The second concept design is for an enhanced pocket park on Phase II of the Greenway Trail. Basically, this concept would provide more parking for fisherman and trail users, a walkway, plantings, and an eventual amphitheater. One overall factor in the design has been the consideration for flooding at Phase II of the trail. Councilman Lancaster inquired about former citizen requests for the Phase II pocket park area. Mr. O'Brien said that trees have been planted in the area but nothing further has taken place.

Mr. O'Brien discussed two new projects that have the economic potential to take place this fiscal year. The first project would be the addition of street trees in the area of the vacant lots on West Main Street just before the mural. The trees would not block the view of the mural and would be set back off of the sidewalk area. Mr. O'Brien said that many visitors walk toward downtown from the Mimslyn property and that this would greatly enhance the look of the area. He stated that three property owners would need to approve the project and those owners have not been consulted at this point. Mayor Presgraves suggested contacting the land owners and bringing the response back to Council. Councilman Lancaster suggested the same concept directly across the street, the former site of the Mansion Inn. Mr. O'Brien said that any ideas can certainly be discussed with the CDAC members for concept designs. Mr. O'Brien discussed the second project that has potential merit for the coming year. The graphics displayed for Council showed a brick planter with built in seeding. The location would be in front of the Dippin' Dots location on East Main Street and the actual planter would be about 20'x20' in size. This could possibly be a Bicentennial related project if approved. Mr. O'Brien explained that some funds may be available for this as it is not a budgeted item. Mr. Ken Beyer further explained that the Luray Hawksbill Greenway Foundation has a \$3,000 grant for this, while the Luray Tree and Beautification Committee can contribute \$2,000 toward the project. Ms. Lewis said that Virginia Main Street will also be addressing this area to try to implement some low impact signage. Mr. O'Brien asked for Council's thoughts on the second project. Mayor Presgraves said that staff should look into the project if it can be funded, and requested more specific cost figures.

Mr. O'Brien stated that Mr. Steven Jessee has requested to paint a mural on the wall of the building where his tattoo parlor is located. The design rendering for the mural was displayed for Council as well as a photo of the proposed location. Liz Lewis stated that the proposed size is about 36'x11'.

Steven Jessee- Shellshock Tattoo Studio

Mr. Steven Jessee discussed his plans for the mural and passed around a drawing of the design. Mr. Jessee stated that his intentions are to make the building look better, as this is the location for his business. He added that he will be furnishing the paint and is not asking for any contribution. Mr. Jessee said that he plans to finalize the mural before summer and explained that he has obtained permission from the building's owner.

Councilman Schiro suggested that Council talk with the Town Attorney about this and consider implementing a review process for this type of request. Mr. Schiro said that perhaps some standards may need to be considered and maintained that this has no reflection on Mr. Jessee's request. Town Attorney, Jason Spitler, said that Council can certainly choose to modify the town code. Mr. Spitler said that currently 25 square feet is automatically permitted, so long as the art is not deemed advertising. Other options include leaving this to the discretion of the Town Manager/Zoning Administrator or requiring Council's approval on a case by case basis. Mr. Spitler said that currently Mr. Jessee's request is by right so long as the artwork is within the limits of 25 square feet per wall.

Mr. Jessee stated that other murals in town occupy the entire building. Councilman Schiro said that fellow members should consider this as new ideas continue to come in. Councilman Racer stated that members have no argument against Mr. Jessee's request, so long as size requirements are met.

Pat O'Brien, Director of Parks and Recreation, suggested that Council review this section of the town code. He also explained that the other murals in town are part of the downtown mural project. This project was a part of the Luray Tree and Beautification Committee's plans and had a defined approval process.

Mr. Jessee stated that he plans to proceed with his mural and thanked members.

Mayor Presgraves stated that he would like to see Council come up with some type of review process as he is not in favor of this piece of artwork. Mayor Presgraves said he does not feel that this particular art is cohesive to the area. Councilman Schiro said that he is concerned for future designs that may be deemed unfavorable or of an inappropriate nature. Town Attorney, Jason Spitler, suggested that staff initiate discussion with the Planning Commission at their meeting on Wednesday.

PUBLIC WORKS DEPARTMENT

Lynn Mathews, Director of Public Works, informed Council members that the public works department repaired three water leaks and responded to seven sewer calls. Mr. Mathews said that the department also made two sewer line repairs. Upcoming projects for the department will include storm drainage work, cleaning ditches, sign consolidation, checking and painting hydrants. Mr. Mathews also reminded that the department will be holding a Spring Clean up April 2-13th.

WTP AND WWTP

Charlie Hoke, Director of Utilities, told Council members that the Waste Water Treatment Plant is running as designed and is meeting all Chesapeake Bay Agreement- Nutrient Production Act standards. The plant is also in compliance with all state and federal regulations.

Mr. Hoke said that the Water Filtration Plant is operating as designed. The ground water study is proceeding without any exceptions. Lastly, Mr. Hoke said that all distribution samples came back negative.

PLANNING

Town Planner, Ligon Webb, said that the Planning Commission will meet on Wednesday, March 14th. The commission will hear a request for a special use permit by Joe Vile to operate a commercial recreation facility to be located at the Luray Caverns site. Mr. Webb said that the public hearing has been advertised and that he has not received any calls on the issue.

Mr. Webb said that the commission will also review a preliminary subdivision request from Mr. Bob Harrison. Mr. Harrison is requesting to divide his plot on West Main Street into front and back parcels. The back portion would be the proposed parking area for his Lawrence Hotel project, which Council members may recall. Mr. Webb is uncertain of Mr. Harrison's plans for the approximate 4900 square feet that would be divided off from the existing parcel. Councilman Lancaster inquired if Mr. Harrison would still meet the parking requirements for the size of the building in order to be able to divide off this portion of the property. Mr. Webb said that the parking requirements can still be met. Mr. Webb further discussed the parking requirements depending on the future development of the property.

Mr. Webb said that the commission continues to work on the comprehensive plan revisions and advised council members of six zoning permits for February 2012.

OLD BUSINESS

Main Street Bridge Update

Town Planner, Ligon Webb, discussed the TIGER IV Grant Application (*Transportation Initiative Generating Economic Recovery Grant*). Mr. Webb said that the application deadline is Monday, March 19th to the U.S Department of Transportation. The request is for \$1.8 million for a \$2.0 million renovation to Main Street Bridge. Mr. Webb reminded that the original estimates from Schwartz Engineering were \$1.6 million. According to suggestions from VDOT and local engineers, staff should estimate an additional 25% for review costs. Mr. Webb said that the TIGER III Grant was awarded last fall, with the smallest award being a little over \$1 million in funding. Mr. Webb has included in the grant request a 10% match in funds, pending Council's approval. Mr. Webb hopes to receive support letters from Senator Jim Webb and Senator John Warner. He anticipates receiving both letters later in the week and is very appreciative of this support. Mr. Webb anticipates receiving a response regarding the grant funds by May 2012. A draft resolution in favor of the project has been prepared for Council's decision. Mayor Presgraves stated that the 10% match shows a good faith commitment from the Town.

Motion: Councilman Schiro motioned to approve the Resolution to commit funds toward the reconstruction of Main Street Bridge if awarded TIGER IV grant funds, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Schiro, Racer. **Approved 5-0**

Arbor Day Proclamation

Mr. Black presented the Arbor Day Proclamation and said that town will recognize this day on April 28th 2012. The celebration will begin at 1:00pm at the Luray Train Depot.

Motion: Councilman Lancaster motioned to approve the 2012 Arbor Day Proclamation, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Schiro, Racer. **Approved 5-0**

TOWN ATTORNEY

Town Attorney, Jason Spitler, advised Council members that he has two proposed ordinance amendments regarding the alcoholic beverage license tax and the tobacco retailers/wholesalers license tax. He explained that these ordinance amendments are designed to capture rate changes which have previously been approved by Council, thus making the town code consistent. Mr. Spitler asked for Council's approval of these ordinances.

Motion: Councilman Racer motioned to approve the ordinances amending Section 10-1 and 30-99 of the Town Code regarding Alcohol Beverage License Taxes and Tobacco Retailers/Wholesalers, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Schiro, Racer. **Approved 5-0**

Mr. Spitler stated that the boundary line adjustment with Page County for the recreation park will be advertised for Council's April 9th meeting. He hopes that the Page County Board of Supervisors will approve the boundary line adjustment at their meeting on April 17th.

CHANGES OR ADDITIONS

Frankie Seaward- 13 Jordan Street, Luray **Luray Midget League Football**

Mr. Seaward said that he is present this evening on behalf of the Midget League to request permission to place a storage shed at the Ralph Dean Recreation Park. Mr. Seaward explained that the league is currently using dugouts assigned to the Little League and is in need of more storage space. He said that space is needed for cheerleading mats and other supplies.

Mayor Presgraves asked if town staff had any drawings on this request. Mayor Presgraves suggested that before asking for Council's approval, that the league discuss a site plan with town staff. Town Manager, Rick Black, said that he had not received any drawings; however, the Luray Little League has been permitted the same storage facility. Mr. Black said that he can work with the league to iron out the exact location. Mr. Seaward distributed a brochure that showed the type of storage facility that is being purchased.

Ronald Payne- 681 Gindhart Drive, Rileyville **Luray Midget League Football**

Mr. Payne stated that the building would be purchased locally from Alan's Factory Outlet. He said that the building is not stationary and could be moved if needed. Mr. Payne said that the building is approximately 12'x24' in size and would be painted to match the existing facilities. He also said that no utilities would be needed. Mr. Payne said that the location is up to the discretion of Council and that if

needed the building can be moved in the future. He stated that the nature of the structure was the reason for not submitting a site plan.

Mr. Black advised Mr. Payne to check with Page County to see if a building permit is required, as the property at the recreation park is currently located within the county. Councilman Schiro said that he does not feel that Council needs to approve this as it is an administrative matter. Mr. Payne said that he will proceed as directed and thanked Council members.

ADJOURN

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 8:29 P.M.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer