

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

**MONDAY, APRIL 9, 2012**

The Luray Town Council met in regular session on Monday, April 9, 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  
Lonnie Arrington  
Mary Menefee  
Leroy Lancaster  
Jerry Schiro

**Council Absent:** *Earl Racer*

***Also Present:***

Rick Black, Town Manager  
Mary Broyles, Treasurer  
Danielle Babb, Deputy Clerk-Treasurer  
Jason Spitler, Town Attorney  
Ligon Webb, Town Planner  
Charlie Hoke, Director of Utilities  
Lynn Mathews, Director of Public Works  
Page Campbell, Luray Police Chief  
Liz Lewis, Luray Downtown Initiative

Pam Flasch, Luray Bicentennial Committee  
John Meaney, Luray Planning Commission  
Joey Sours, Luray Planning Commission  
Powell Markowitz, Luray Page County Airport  
Commission  
Bill Shuler, Page County Economic Development  
Authority  
Martha Shickle, NSVRC  
Joe Vile, Special Use Permit Applicant

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 Arrington led everyone in reciting the United States Pledge of Allegiance. The roll was then called with one member absent.

**CONSENT AGENDA**

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

## ***Consent Agenda***

- A) Minutes of the March 12, 2012 Regular Council Meeting.*
- B) Minutes of the March 27, 2012 Council Work Session.*
- C) Financial Report for the period March 1-31, 2012.*
- D) Accounts payable checks totaling \$ 129,294.83.*

## **PUBLIC HEARING**

### **Special Use Permit: Joe Vile, TM # 42A9-A-2**

Town Planner, Ligon Webb, announced one public hearing for the evening regarding a special use permit request from Mr. Joe Vile. Mr. Vile's request is to construct a commercial "ropes" course on approximately a one acre portion of the Luray Caverns property. Mr. Webb provided a design rendering from Mr. Vile that would show the color scheme/design of the challenge course. Mr. Webb explained the concept of the challenge course and overall operational plans. Mr. Webb said that the applicant hopes to install the course before Memorial Day if approved. He said that the design company usually takes about seven days for the installation process. Mr. Webb said that Mr. Vile is aware that he will also need to proceed with E&S Permits and the Site Plan approval process. Town Planner, Ligon Webb, said that this was unanimously approved by the Luray Planning Commission at the March 14<sup>th</sup> meeting. Mr. Webb stated that the commission members' only concerns were related to lighting issues. Mr. Webb explained that according to the Town Code the lighting is required to be hooded and focused downward to reduce light pollution on adjacent properties. Mr. Webb said that there have been no objections from adjacent property owners. Mr. Webb stated that the Luray Planning Commission believes the proposed use is appropriate, and that this will be a nice compliment to the current activities offered by the Luray Caverns site.

Mayor Presgraves opened the public hearing for citizen comment.

### **Joe Vile: SUP for a Commercial Recreation Facility in a B1 Zoning District**

Mr. Vile spoke before Council and said that he had little to add to Mr. Webb's explanation. Mr. Vile complemented Mr. Webb's efforts on the process. Mayor Presgraves asked about the hours of operation planned for the facility. Mr. Vile responded that the peak season will be in the spring and summer months and that the lighting will be necessary to accommodate those in line or finishing the course. Council members inquired about discounts for area residents. Mr. Vile said that he plans to offer residents a discount but believes it will work best to offer them during off peak times and certainly welcomes locals to the course. Councilman Vickers inquired about how many participants can use the course at the same time. Mr. Vile said that about 20 users can be on the course at once, depending upon which level of the course the participants are on. Councilman Schiro inquired about liability insurance for the course. Mr. Vile discussed his insurance coverage and said that only very minor injuries have ever been reported with similar courses.

With no further questions from Council, Mayor Presgraves closed the public hearing.

**Motion:** Councilman Arrington motioned to approve the Special Use Permit for Mr. Joseph Vile: Commercial Recreation Facility in a B1 Zoning District, motion seconded by Councilwoman Menefee with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro. **Approved 5-0**

**Boundary Line Adjustment Agreement: Ralph H. Dean Recreation Park, TM # 52-A-58**

Town Attorney, Jason Spitler, said that Council members have been provided a proposed boundary line adjustment agreement. The agreement concerns the 57.72 acre tract that is better known as the Ralph H. Dean Recreation Park. The property is adjacent to the town's municipal boundaries and according to Page County Administrator, Mark Belton; there is no objection on the behalf of Page County. Mr. Spitler said that the proposed effective date of the new boundary would be June 30<sup>th</sup> in order to coincide with the town's fiscal year. Mr. Spitler said that essentially this adjustment is a formality as the town owns and operates the park; and has done so for many years.

Mayor Presgraves opened the public hearing for citizen comment. With no comments from attendees, the public hearing was then closed.

**Motion:** Councilman Schiro motioned to approve the Boundary Line Adjustment Agreement as presented, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro. **Approved 5-0**

Mr. Spitler stated that he anticipates presenting this to the Page County Circuit Court for approval on either the second Tuesday of May or second Tuesday of June.

**GENERAL CITIZEN COMMENTS**

**Martha Shickle, NSVRC/ Bill Shuler, Page County EDA**

Mayor Presgraves welcomed Mr. Shuler and Ms. Shickle to the evenings meeting. Mr. Shuler provided Council members with a handout and advised that he is standing in this evening for EDA Chairman John Phillips. Mr. Shuler said that he was present this evening to report on current activities of the committee and stated that the Northern Shenandoah Valley Regional Commission has taken over as the administrative staff for the EDA. Mr. Shuler discussed several issues, including; limited development sites, prospective business inquiries, and the need for a town liaison on the committee. Mr. Shuler also mentioned that the EDA website is being redesigned and he would like for each community to have its profile on the site. Mr. Shuler asked the town to please consider a nominee from the town to appoint to the EDA board, and said that currently the committee meets once monthly. Ms. Shickle said that NSVRC is currently acting as the front line for the EDA by answering emails and calls in an effort to increase communication. Mr. Shuler stressed that it is important for the community at large to express a consistent message in regards to the types of businesses that are desirable to this area. Mr. Black suggested that the new website incorporate a template for available properties. Ms. Shickle replied that the existing website has the ability to have property owner's list information. However, she said that she hopes this can move toward an online form that could be completed.

Mayor Presgraves said that he would like to see Council appoint the Town Planner, Ligon Webb, to the EDA. Town Attorney, Jason Spitler, said that he along with Mr. Black have spoken to Attorney Mark Reed, Legal Counsel for the EDA, concerning this matter. Mr. Spitler stated that Mr. Reed advised there would be no conflict with the proposed appointment.

**Motion:** Councilman Lancaster motioned to appoint Town Planner, Ligon Webb, to the Page County Economic Development Authority as discussed, motion seconded by Councilwoman Menefee with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro. **Approved 5-0**

## **TOWN AFFILIATED BOARDS AND COMMISSIONS**

### **Luray Downtown Initiative**

Liz Lewis said that the Festival of Spring is shaping up nicely with 50 vendors confirmed. She said that the deadline for vendor applications is this Friday, April 13<sup>th</sup>. Ms. Lewis said that she would like to have about 100-120 vendors located on Main Street, which would equal last year's number. Ms. Lewis said that she has received compliments on the town's festival and noted that some participants are seeing a decline in sales at other festivals. Ms. Lewis also discussed enhancements to the wine garden for this year. Other topics of discussion included grant opportunities, the Bridge Theatre feasibility study, and the National MainStreet/Todd Barman report. Ms. Lewis also mentioned recent advertising efforts and website activity.

### **Luray/Page County Chamber of Commerce**

Ms. Pam Flasch provided the chamber report and advised members that Chamber Director, Briana Campbell, was attending the Page County Grown meeting tonight. Ms. Flasch began her report with the statistics for March 2012. She noted 305 local calls, 344 local walk-ins, 160 tourist calls, and 862 tourist walk-ins. Ms. Flasch attributed the high numbers to the Bicentennial events and favorable weather. A Business Networking Lunch will be held this Thursday and the featured topics will be "Prevention of Identity Theft and avoiding Credit Card Fraud". The next Business After Hours event will be Thursday, April 19<sup>th</sup> at Halo Furniture.

### **Luray Bicentennial**

Mayor Presgraves complemented the recent reception for Congressman Eric Cantor. Ms. Flasch thanked town staff for their efforts on preparing for the reception. Ms. Pam Flasch said that the next event will be the Square Dance on April 28<sup>th</sup> at the Traxside Theater. She said this is a family friendly event and will begin at 3:00pm. Also, Ms. Flasch reminded of the Bicentennial parade on May 11<sup>th</sup> at 7:00pm. The parade will be followed by the Festival of Spring on Saturday (April 12<sup>th</sup>), with the Old Fashioned Homecoming at Lake Arrowhead on Sunday (April 13<sup>th</sup>). The homecoming picnic will have music furnished and shelters reserved; while attendees must supply their own picnic. Ms. Flasch also discussed the details of the concert by Main Street Singers at the PAL Center on May 18<sup>th</sup> and 19<sup>th</sup>. Plans are also underway for a Bicentennial night at a Luray Wranglers game. Ms. Flasch said that the activities for the month of June will include the hospital groundbreaking ceremony, Railroad/Ag Day, and a potential book signing.

## **Airport Commission**

Mr. Powell Markowitz advised members that one large and three small hangars are currently available. Mr. Markowitz said that the jet fuel tank has been installed and fuel is available for sale. Mr. Markowitz said that included in Council's packet is the Airport Capital Improvement Plan. The commission will be receiving a grant for runway rehabilitation which is being required by the FAA. Mr. Markowitz stressed that no local funds will be required for the project and he requested that a public hearing be scheduled for next month's meeting. Mr. Markowitz said that two additional projects will be for crack sealing and the t-hangar apron; these should not require a public hearing. Both of these items will be paid through DOAV maintenance funds. Lastly, Mr. Markowitz said that a contract has been signed for the purchase of the Frymyer Parcel. He explained that this contract has been reviewed by the Town Attorney and is contingent upon grant funds being received in order to fund the purchase. Mr. Markowitz asked that Council approve the contract thus allowing the grant application to be submitted. Town Manager, Rick Black, will advertise the necessary public hearings for the May 14<sup>th</sup> Regular Council Meeting.

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

## **DEPARTMENTAL REPORTS**

### **POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES**

Chief Page Campbell provided his report for Council members and advised of 55 total arrests for the month of March. The total calls for service for March equaled 252, bringing the year to date calls to 773. Mayor Presgraves stated that an inquiry had been received regarding state police utilizing radar within the town. Chief Campbell responded that the Virginia State Police have the same authority as town police, yet their authority extends over the entire state for the utilization of radar. He maintained that the town police have no interference over when or where this takes place.

Chief Campbell informed Council members that he has submitted the town's hazard mitigation plan to Ms. Jill Keihn of the Northern Shenandoah Valley Regional Commission. He said that several meetings have taken place and that the committee has their meeting next Wednesday.

### **PARKS AND RECREATION**

Town Manager, Rick Black, stated that the departmental report has been provided for Council. Mr. Black highlighted that the parking areas at Phase III and IV of the Greenway trail have been graveled and cleaned up. Specifically, on Phase IV parking spaces are being designated along with a turnaround area.

Mr. Black discussed the Bicentennial Tree planter proposal. Mr. Black said that before estimates can be obtained, drawings will need to be generated in order to see if the project is feasible. As well, the property owners will need to see a rendering before giving an easement to the town since this directly

affects their property. Mr. Black suggested that the appropriate time frame for construction of the project would be fall 2012.

Councilwoman Menefee added that she had received comments regarding the trail around Lake Arrowhead. She said that the trail has fallen trees and is very unkempt on the far side of the Lake. Mr. Black said that this is an issue because some of that area is not owned by the town. He said that town staff is still working with the property owner on the survey plats and resolving the matter.

## **PUBLIC WORKS DEPARTMENT**

Lynn Mathews, Director of Public Works, informed Council members that the public works department repaired four water leaks and is nearly 50% complete on fire hydrant testing/painting. Mr. Mathews told members that the department responded to eight sewer calls and replaced approximately 100 feet of sewer line on Hawksbill Heights due to deterioration. Upcoming projects for the department will include spring clean up this week, brush collection, line painting, paving and patching, and sign consolidation.

## **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 issues. Mr. Hoke advised Council members that all distribution samples came back negative.

## **PLANNING**

Town Planner, Ligon Webb, said that the Planning Commission will meet on Wednesday, April 11<sup>th</sup>. The commission will review the master land use plan for Luray Landing to reflect properties which have been sold. The commission will also hear a request from Mr. Bob Harrison to divide his property on West Main Street. There are several issues regarding the request due to the required parking needed to conform to zoning requirements. Mr. Webb stated that the commission continues its work on the comprehensive plan. Mr. Webb anticipates holding a work session this summer that would be open to the public for comment/changes.

## **OLD BUSINESS**

### **Barbee Confederate Monument**

Town Planner, Ligon Webb, said that he has been working with Mr. McKee of Fredericksburg to get the contract in place for the monument repairs. Mr. McKee is working on getting his subcontractors lined up and plans to begin work in the next two weeks. The first two weeks of work involve surveying the monument to meticulously measure each feature, thus repairing every detail to its original space. Mr. McKee will be working out of the Luray Lumber warehouse space and will be residing locally while the

monument is under construction. The total repair time will be 26 weeks for the monument. Mr. Webb plans to document the history, repairs, and rehabilitation of the project. Mr. Webb said that the sculptor plans to set up times for staff and council members to stop by and see the process.

**NEW BUSINESS**

**Proclamation of “disAbility Awareness Week”**

Mr. Black presented the Proclamation for “disAbility Awareness Week” and feels that this is a worthy endeavor on behalf of the town to promote this community awareness program.

**Motion:** Councilwoman Menefee motioned to approve the Proclamation for disAbility Awareness Week, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro. **Approved 5-0**

**Luray High School “2012 After-Prom Celebration”**

Town Manager, Rick Black, provided a request for contribution to the 2012 After-Prom Celebration. Mr. Black said that funds have been included in the town’s budget for this contribution and he feels this is a worthwhile project and asked for the council’s support.

**Motion:** Councilman Arrington motioned to approve the budgeted allocation for the LHS After-Prom Celebration, motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro. **Approved 5-0**

**TOWN ATTORNEY**

**Ordinance amending Chapter 70 of the Town Code, Solid Waste**

Town Attorney, Jason Spitler, requested to discuss a proposed ordinance amendment to Chapter 70 of the town code. Mr. Spitler highlighted Sections 70-1 through 70-11 and noted that the authority given to the town is nearly identical to the Code of Virginia. Section 70-5 states that : (a) *All of the residents and businesses of the Town, and all other users of the Town’s water or sewer management facilities and appurtenances, without exception, whether or not such residents or businesses, or such other persons or entities, use the Town’s solid waste management facilities and appurtenances, or its collection, management, recycling and disposal services, shall be liable to pay reasonable compensation for such services, which shall rank in priority above any compensation paid by any such persons or entities for the use of the Town’s sewer and water services.* (b) *Any charge provided by this Chapter with which the owner or occupant of any property shall have been assessed, and which remains unpaid, shall constitute a lien against such property ranking on a parity with liens for unpaid taxes, and if any such charge is not paid within thirty days after payment is due, the Town may disconnect such owner or occupant’s property from its public sewer and water systems, until paid.* Mr. Spitler said that these revisions were the product of extensive research and he feels confident in the authority given to the town via the state code.

**Motion:** Councilman Lancaster motioned to approve the Ordinance Amending Chapter 70 of the Town Code, regarding Solid Waste, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro. **Approved 5-0**

**Ordinance amending Chapter 94 of the Town Code, Vehicles for Hire**

Town Attorney, Jason Spitler, stated that he is near completion on the taxicab ordinance revisions. Mr. Spitler provided the highlights of the revisions. He noted that a number of definitions included in the state code have been implemented into the town code revisions. The permitting process has also been streamlined; as the prior ordinance was a bit more complicated. Mr. Spitler also discussed the appeals process for any taxicab permit that may be denied or revoked. Mr. Spitler and Council members also discussed the taxicab commission and its stated members. Mayor Presgraves reminded that these revisions will need to be prepared for Council's decision at the April 24<sup>th</sup> work session.

Mr. Spitler also updated Council on other matters including the Monument Contract, Proposed Boundary Line Agreements/Adjustments, the Tannery water line easements, and the necessary paperwork for the town's purchase of the Holsinger Property.

**ANNOUNCEMENTS/ADJOURN**

Mayor Presgraves reminded everyone of the funeral service for Mrs. H.T.N Graves on Thursday at Christ Episcopal Church in Luray.

Mayor Presgraves also reminded fellow council members of the opening events for the Luray Little League to be held in the evening on Friday, April 13<sup>th</sup>.

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 8:36 P.M.

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Barry Presgraves  
Mayor

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Danielle P. Babb  
Deputy Clerk-Treasurer