

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

MONDAY, MAY 9, 2011

The Luray Town Council met in regular session on Monday, May 9, 2011 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
Earl Racer**

**Also Present: Rick Black, Town Manager
Mary Broyles, Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Jason Spitler, Town Attorney
Ligon Webb, Town Planner
Lynn Mathews, Superintendent of Public Works
Sgt. Junior Roy, Luray Police Department
Charlie Hoke, Director of Utilities
Liz Lewis, Luray Downtown Initiative
Briana Campbell, Luray-Page County Chamber of Commerce
Powell Markowitz, Luray-Page County Airport
Pat Racey, Racey Engineering
Seth Roderick, Valley Engineering
Travis Clark, Valley Health-Page Memorial Hospital**

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. All present then recited the United States Pledge of Allegiance.

CONSENT AGENDA

Motion: Councilman Schiro motioned to approve the Consent Agenda, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Consent Agenda

- A) Minutes of April 11, 2011 Regular Council Meeting.*
- B) Minutes of April 26, 2011 Work Session.*
- C) Financial Report for the period April 1 –30, 2011.*
- C) Accounts payable checks totaling \$ 92,373.83.*

PUBLIC HEARING

A) Rezoning: Page Memorial Hospital (TM# 42A-A-101)

Town Planner, Ligon Webb, presented the public hearing for the rezoning request for Page Memorial Hospital from R3 to B1-C. The applicant is requesting to rezone approximately 13.4 acres from R3 (High-Density Residential) to B1-C (General Business with Conditions). The subject parcel is located on Memorial Drive and is presently the location of Page Health Care Associates, Page Memorial Hospital, Page Memorial Specialty Clinic, and the new Medical Office Building that is under construction. Mr. Webb gave a power point presentation which he stated was the same presentation provided for the planning commission members. The presentation discussed the specifics of the zoning ordinance and highlighted that the original zoning of the parcel was designated many years ago. Mr. Webb showed an arial view of the location and pointed out several areas on the map. Mr. Webb said that any changes are subject to a special use permit. He recalled that over a year ago, a permit was obtained to construct the medical office building that is now underway. Mr. Webb said that he first spoke with Mr. Travis Clark about the hospital improvements nearly two years ago. At that time, he encouraged Mr. Clark to pursue the rezoning so that the zoning would match the land use. Mr. Webb reviewed the map and showed the approximate location of the new hospital and parking areas. Mr. Webb discussed other projects that have been proposed in this corridor; such as duplexes near MontVue, the Luray Heights housing development, and possibly a commercial building. Mr. Webb said that the build out of the Memorial Drive corridor is expected to progress over the next 2-15 years, which is why planning is important. He said that the contribution toward the development of this corridor should be proportionate to the impact of each of the proposed developments. Mr. Webb said that the town should facilitate and contribute to these improvements. Mr. Webb discussed what this area could possibly look like in the coming years and stated that discussions have included signalizing the intersection of Memorial Drive and West Main Street. The signalization would be necessary in order to carry all of the trips that would be anticipated from expanding the current hospital and other proposed developments. Also, a right and left turn lane have been discussed for Memorial Drive. In addition, a possible left hand turn heading West on Main Street has been discussed. Mr. Webb said that there have been discussions of pedestrian crossings and sidewalks for the area, whenever the time is appropriate.

Mr. Webb then discussed the proffers that have been submitted for the rezoning by Page Memorial Hospital. He reviewed all of the proffers and highlighted that the biggest thing is the by right use of the zoning be limited to hospitals and related hospital use; such as a pharmacy, rehabilitation facility, etc. Mr. Webb then detailed the remainder of items on the proffer letter including the privacy fence and traffic related matters. Mr. Webb focused on the last item that reads as follows:

- 6) Within a five-year period beginning at the time of the Developer/Owner submitting any new permit application for the purpose of construction on the referenced parcel, and upon request of the Town of Luray, the Developer owner shall furnish either:
 - a. A contribution to the Town of Luray in the amount of \$165,000.00 to be utilized for the signalization of the intersection of Main Street & Memorial Drive, deliverable within 60 days of formal written notice provided by the Town of Luray: or,
 - b. The design and construction necessary for the signalization of the intersection of Main Street & Memorial Drive, with the Town of Luray responsible for any necessary right-of-way acquisition. Such design shall be in accordance with all applicable codes and regulations, and furnished within 180 days of request; construction shall be completed within 180 days of the Town of Luray acquiring any/all necessary right-of-way. The Developer/ Owner shall also reimburse the Town of Luray for 50% of any incurred costs associated with such right-of-way acquisition in this scenario, for a total contribution not to exceed \$10,000.00.

Mr. Webb discussed that option-A would possibly allow the town to utilize the \$165,000 in the VDOT Revenue Sharing Program. If the revenue sharing program could not be utilized then option-B would be appropriate. Mr. Webb said that if additional right of way needs to be obtained, it would be easier for the town to acquire the right of way.

Mr. Webb said that based on the concerns of the Planning Commission and as a part of the town's due diligence, the town has obtained an outside cursory review of the cost of the intersection improvements. Recently, Racey Engineering conducted a review of the cost and benefits associated with the signalization of the intersection. Mr. Webb said that the hopes were to find out if the \$165,000 was enough to provide for the signal. Mr. Racey, Racey Engineering, provided Mr. Webb with a letter of his findings today that has been provided for Council's review. Lastly, Mr. Webb read the Planning Commission's recommendation as follows: "The Planning Commission approved PMH's application to rezone 13.4 acres from R-3 to B1-C by a 7-0 vote. The Planning Commission recommended clarification of several items in the voluntary proffer statement, and PMH officials concurred with the requested clarifications. The current proffers before the Town Council reflect the changes recommended by the Planning Commission. The Planning Commission encouraged Town staff to obtain an outside estimate regarding the cost of a traffic signal, which was received as of today's date. Several members of the Planning Commission expressed concerns regarding the proffer language related to allowable uses; namely allowing a drugstore to remain a by-right use. However, PMH officials stated that such a use (drugstore) would operate out of the proposed hospital's footprint and not be a separate freestanding facility. This being the case, the Planning Commission unanimously voted to approve PMH's rezoning application."

Councilwoman Menefee asked about the current rescue squad location and asked if there are plans to move the location to Leaksville Road. Mr. Webb stated that the current traffic volume was probably captured in traffic counts but does not represent a significant number of trips. Therefore if the location of the building were to move, traffic would reduce only a very small amount.

Councilman Vickers inquired about the future of housing developments in this area. Mr. Vickers hopes that the obligations of the hospital do not free the future obligations of housing developers. Mr. Webb said that potentially any future developers would be assessed their share of reasonable expectations. Mr. Vickers clarified that further development in that area would potentially equal additional benefits to the traffic improvements. Mr. Webb reminded that it is very hard to predict future developments and the impact they will have on traffic.

Councilman Racer said that he does not foresee more volume in traffic, but merely expediting the flow of traffic by using a signal. Mr. Racer said that he has two main concerns; 1- how much right of way would be needed and 2- how much would this cost. Councilman Racer reminded that the developer is only offering \$10,000 for the acquisition cost. Mr. Webb reminded that there is a five year window and at this point he is not certain of the cost. Mr. Webb said that if there is just a pole for the traffic signal, he does not anticipate this needing more than a few hundred feet. He said that he feels that the

\$10,000 limit would be more than ample for the hospital's share. Mr. Webb said that a traffic light really should not decrease the value of anyone's property.

Councilman Lancaster questioned why the traffic light is tied into the rezoning issue. Mr. Webb said that the rezoning request allows the town the opportunity to disclose the improvements that they would like to see done. Councilman Schiro informed members that this is the town's only opportunity to obtain offsite improvements. Mr. Webb advised that this is a better time to request such improvements, rather than at the time of an administrative review of the site plan.

Mayor Presgraves said that in order for the town to qualify for the revenue sharing funds, there must be just cause shown for the signal. Mr. Webb said that the traffic study by VDOT has not been done yet and that the warrants may not be met. He explained that this is the reason for Options A and B of the proffer statement. Mr. Webb advised that Mr. Lineberry, VDOT, understands the reasoning for the light in terms of safety regardless if it meets the warrant analysis. Councilwoman Menefee asked when would be the appropriate time for the study to be conducted. Mr. Seth Roderick, Valley Engineering, stated that the warrant analysis would be performed within 30 days of the developer being supplied with a written request by the town, according to the proffer letter.

Mr. Pat Racey, Racey Engineering, said that he was requested to comment on the cost estimate from Valley Health and Valley Engineering. Mr. Racey said that he has spent some time obtaining estimates on this and that he has tried to determine the parameters for estimating this cost. Mr. Racey said that he has amounts and detailed information broken down in his letter to the Town Planner, Mr. Webb. Mr. Racey said that he itemized the cost to be around \$125,000 for a vertical signalization of the intersection. He reminded that depending on which vendor is utilized, the cost could change somewhat. Mr. Racey said that if revenue sharing can be utilized that would bring the funding to \$330,000. However, Mr. Racey advised Council and staff that while this brings the cost of the pole/signal well within cost, he has no real way to estimate the cost of surface improvements.

Councilman Lancaster asked what would be covered in these costs to improve the roadway. Mr. Racey said that he considers those improvements to be "surface improvements" and that he does not cover these estimates in his letter to the town. Councilman Arrington confirmed that if the revenue sharing option is not warranted, then the hospital will take care of the cost of the signalization as part of Option B of the proffer statement. Councilman Arrington asked if anything will be done to the lanes on Main Street when the new hospital is constructed. Mr. Webb said that the offer is only for the signal. Councilman Schiro says that this seems similar to the shopping center on the West End of town. Mr. Schiro said that all of the lane improvements are not just related to the hospital and that a big change in traffic flow is not going to happen immediately. He stressed that just the renovation of the hospital is not going to make a big change in traffic flow. Mr. Schiro advised that as the other projects come on, then other improvements can be looked at. Mr. Schiro explained that requiring the hospital to bear the entire burden of all of the road improvements is unnecessary. Councilman Arrington said that the hospital will mean a lot to the citizens of Luray and we cannot expect them to do this.

Mr. Seth Roderick, Valley Engineering, stated that he has been working with the hospital and town staff through this process. He quickly reviewed the traffic impact analysis and explained the process of a traffic study. Mr. Roderick explained the analysis and how traffic data is collected. Mr. Roderick said that the possibility of new developments was considered and then the traffic model was revisited. He

said that this would create a cause for concern, but with the signalization of this intersection the traffic model looked more favorable. Mr. Roderick explained that a warrant analysis is based on the Federal Highway Administrative Manual of Uniform Traffic Control devices and a set list of warrants is to be met. These warrants are largely based on intersection volume and that even with all of the proposed developments, volume may still not be a qualifying warrant. Mr. Roderick said that many other factors may play a role and allow for the safety warrant to be met. He said that there is no solid data to prove this at this time, noting it is hard to forecast these effects. Mr. Roderick reminded that with the town controlling their own roads, the warrant analysis does not have to be met. The town may insist that a signal be installed due to the concern for the safety of citizens.

Mr. Roderick then reviewed all of the proffered items in detail. He provided a power point analysis for Council and staff. Mr. Roderick recalled that the options of a signal versus surface improvements have been tossed back and forth. He discussed the disadvantages of making surface improvements/turn lanes before installing a traffic signal and the hazards that this may cause. Installing a signal first may allow more control of the traffic flow and would be pertinent as a first step. Mr. Roderick said that this intersection is far less extensive than some instances which may involve multiple lanes of traffic and underground electrical boring. He emphasized that this intersection is far less involved in scope than others, thus should result in less costs. Mr. Roderick said that the basic concept is for the town to utilize the revenue sharing program with the hospital providing the \$165,000 or to have the hospital construct the signal. He estimates that the cost of acquiring the right of way for the signal pole should not go beyond a few thousand dollars. Mr. Roderick offered to answer any questions from Council or staff.

Councilman Lancaster inquired about the amount of town owned right of way behind the curb. Mr. Roderick said that he recalls there being thirty feet. Councilman Lancaster questioned if there was enough right of way to provide for a sidewalk on the south side/Mimslyn side of Main Street. Mr. Lancaster said that a sidewalk may help with pedestrian traffic to the hospital. Councilman Racer asked how a single mast arm would be utilized. Mr. Roderick said that a single arm can be used with the lights angled and the arm positioned diagonally.

Mayor Presgraves then opened the public hearing for citizen comment. Mr. Travis Clark, Valley Health, complimented Mr. Webb and Mr. Roderick for their work on this issue. He said that basically the goal is to lay the ground work to build a new hospital. Mr. Clark advised Council that PMH is completing a certificate of public need application for the state commissioner of public health. The goal was to get the property rezoned and to submit the application by June 1, 2011. For the remainder of 2011 the commission will determine if there is a need to replace the hospital here. Mr. Clark said that by the end of the year he hopes to obtain a favorable response from the commissioner of health. If so, plans are to be able to break ground by this time next year. Mr. Clark said that this project is the key component of the hospital's affiliation with Valley Health Systems. He said that replacing key infrastructure in the hospital would be very costly, so when the partnership was formed this was a key part of the agreement. The initial phase was to build the new medical office building, which is now undergoing construction. Mr. Clark maintained that the goal is to continue to ensure the quality of health care facilities in Page County for many years to come. Mr. Clark believes this can become a reality because of the support received from the town staff and planning commission. Mr. Clark told Council that the new facility will be an awesome place for the community and that he hopes to share more of the design details with Council in the near future. Mayor Presgraves verified that this would maintain a critical access hospital. Also, Mayor Presgraves told Mr. Clark that a ground breaking

ceremony for the hospital would be a wonderful thing to coordinate with the town's bicentennial celebration. Mr. Clark said that anything that can be done to work together with the town and improve the quality of life for citizens is certainly appreciated. Mayor Presgraves thanked Mr. Clark for his comments. With no further comments from the public, Mayor Presgraves closed the public hearing.

Councilman Schiro stated that he has had the pleasure of working with Mr. Clark and the hospital board on this and that he would like to move that the rezoning be approved with the proffers as presented.

Motion: Councilman Schiro motioned to approve the Page Memorial Hospital rezoning with the proffers as presented, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

B) Proposed FY July 1, 2011 – June 30, 2012 Budget

Town Manager, Rick Black, stated that pursuant to the Code of Virginia notice was given that a public hearing would be held to receive citizen comment on the Proposed Budget for the Fiscal Year July 1, 2011 – June 30, 2012. Mr. Black briefly reviewed the projected revenues and expenditures for the coming year and reminded that an increase in the real estate tax from .22 to .24 was approved at the March Council meeting. Mr. Black reminded that no other increases for utility rates or fees were implemented.

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

GENERAL CITIZEN COMMENT

Ligon Webb spoke on behalf of Donna Mitchell and requested that a portion of Willow Street be closed on May 29th for the community block party. This event was held last year with no problems reported from Police Chief Campbell. Council agreed that there was no problem with this.

Motion: Councilman Vickers motioned to approve the closure of Willow Street as discussed, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Liz Lewis reminded that the Festival of Spring will be held this Saturday. She said that Main Street is being dressed up with flowers, plantings, painting, cleaning, etc. Ms. Lewis hopes that the weather will permit for large crowds. She told Council that there will be approximately 150 vendors, wine and beer gardens, and live music. The event has been advertised in both the Daily News Record and Page News and Courier and there will be a day guide handed out to visitors on Saturday. Ms. Lewis advised that volunteers are still needed. Ms. Lewis said that LDI is working on other projects such as grant funding opportunities. Mayor Presgraves and Ms. Lewis advised Council of their work on obtaining office space at the depot. Ms. Lewis said that if there is no resistance on the concept that they will proceed with the move.

Luray/Page County Chamber of Commerce

Ms. Briana Campbell reviewed the statistics for April, citing 524 local calls, 368 local walk-ins, 297 tourist calls, and 1363 tourist walk-ins. Ms. Campbell said that this is a huge difference from the March statistics and is likely due to spring break for young students traveling with their families. Ms. Campbell said that the chamber is very excited about the festival and that she will be volunteering to assist on Saturday. She advised Council that the Chamber will have additional staff on hand Saturday to accommodate additional visitors. Ms. Campbell reminded of the Business Networking Lunch on Thursday and noted that Pam Flasch will be the guest speaker. Lastly, Ms. Campbell advised that there is a new category for the “In the Loop” publication that will include educational news. Ms. Campbell said that this is in response to Councilman Vickers request and will highlight events for all schools within Page County.

Airport Commission

Mr. Powell Markowitz said that negotiations continue on a small parcel of land. He noted the FAA still has funds available for this project. Mr. Markowitz said that all but two of the small hangar units have been rented with hopes to fill the remaining units during the summer months. He noted that other area airports are working on runway improvements at their facilities, therefore spaces have been in demand. Mr. Markowitz stated that he will continue to keep Council updated on these matters.

DEPARTMENTAL REPORTS

POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES

Police Chief, Page Campbell, was out sick for the evening. Sergeant Junior Roy attended the meeting in his absence.

PARKS AND RECREATION

Mayor Presgraves said that Mr. O’Brien was out sick this evening. Councilwoman Menefee questioned if the security system is now up and running at the recreation park. Mayor Presgraves advised that the system is now working.

PUBLIC WORKS DEPARTMENT

Lynn Mathews, Superintendent of Public Works, said that the department repaired two water leaks and responded to seven sewer calls. Upcoming projects for the department include storm drainage work, repairing a catch basin on North Court Street, sign repairs, sidewalk cleaning, parking lot clean-up, bridge deck cleaning, roadside trimming, and mowing. Mr. Mathews said that Pettit Paving has been working on several patching/paving projects. Councilman Racer complemented the repairs to Cottage Drive.

WTP AND WWTP

Charlie Hoke, Director of Utilities, stated that the Wastewater Treatment Plant had very few modifications due to April's heavy rainfall amounts. He advised Council that the system handled this very well and that the plant was in compliance with all regulations.

Mr. Hoke said the Water Treatment Plant continues to be a very good system and is producing good quality water. He said that the system is operating very well and that all samples in the distribution system came back negative.

Mr. Hoke reported that the new utilities operator will come on board on May 19th.

PLANNING

Town Planner, Ligon Webb, advised Council that the commission will be looking at two main topics; home occupations and proposed changes to the setbacks for decks. Mr. Webb said that the Board of Zoning Appeals is recommending the town code be amended for setbacks on attached decks that are under a specific height. Mr. Webb said that this may be worth some consideration and has been a topic of discussion in the past.

OLD BUSINESS

Line of Duty Act (VML)

Town Manager, Rick Black, discussed the Line of Duty Act and noted that there was some information given to Council on this at the town sections meeting. He noted that there has been little direction on this matter. He said that certainly the Town will cover its paid employees in the police department. He advised that the volunteer departments are the topic of discussion for his meeting on Thursday with Page County and the Towns of Stanley and Shenandoah. He hopes that the County will choose to cover the volunteer organizations. If this is the case, then the town resolution that states that these organizations are an integral part of our safety program will need to be rescinded. Mr. Black is concerned over how this will affect the funding that is provided from the State Department of Fire Programs. Mr. Black said that he believes the County has allocated funds in their budget to cover their employees under this program. Mr. Black verified that the town will cover its full and part time police officers as required. Councilman Lancaster agreed with Mr. Black that the County should cover the volunteer portion of this. Town Manager, Rick Black, said that approximately 75-80% of all calls are in the counties rather than towns. Councilman Schiro said that he is very glad the program exists for our volunteers but it is unfortunate that it has been placed on localities to provide the funding. Mr. Black discussed the initial quote estimates and the option to use the VML or VRS program. Mr. Black said that regardless of Council's choice to go with VML or VRS, they must accept the resolution to amend our Membership Agreement with VML Insurance Programs in order to maintain our coverage.

Motion: Councilman Schiro motioned to approve the amendment to the VML Member Agreement to acknowledge the offering of this coverage as presented, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer.

Approved 6-0

ADDITIONS TO THE AGENDA

Town Manager, Rick Black, told Council that at the Bluegrass Festival meeting a request was made to build two small monuments/plaques within the town. The plaques would signify Luray as the birthplace of the first bluegrass festival. One of these will be located at Luray Caverns and the other location is at the discretion of Council. Council agreed to display this near the Ruffner Plaza.

Mayor Presgraves asked Mr. Black if the town had received funds from FEMA for snow removal. Mr. Black said that the town has received funding from the first snowstorm but not the second. He advised that all information has been filed. Mr. Black said that he will check with County Administrator, Mark Belton, on the status of this issue.

TOWN ATTORNEY'S REPORT

Town Attorney, Jason Spitler, advised Council that he had no items to report this evening but would be glad to answer any questions from Council.

ANNOUNCEMENTS

Mayor Presgraves reminded Council members that the Memorial Day Parade for the Town of Shenandoah will be held on Saturday, May 28th, 2011. He asked Council members to notify him if they plan to attend. Councilman Racer replied that he plans to be in attendance.

Councilman Vickers said that a student at Luray High School is working on a senior project that involves the history of the Town of Luray. The student has prepared trivia questions and would like to conduct a trivia match prior to the next Council Work Session as a part of their work on the project. Mayor Presgraves and Councilman Vickers agreed to host this event prior to the work session at approximately 5:00pm.

ADJOURN

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 9:00 P.M.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer