

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

TUESDAY, OCTOBER 9, 2012

The Luray Town Council met in regular session on Tuesday, October 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
Joey Sours
John Meaney

Also Present:

Rick Black, Town Manager
Bryan Chrisman, Assistant Town Manager
Mary Broyles, Town Clerk/Treasurer
Danielle Babb, Deputy Clerk/Treasurer
Jason Spitler, Town Attorney
Ligon Webb, Town Planner
Charlie Hoke, Director of Utilities
Lynn Mathews, Superintendent of Public Works
Page Campbell, Police Chief
Pat O'Brien, Director of Parks and Recreation
Pam Flasch, Luray Bicentennial Committee
Liz Lewis, Luray Downtown Initiative
Gerald Dovel, 87 Gapview Lane, Luray
Page News and Courier

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 all members present.

CONSENT AGENDA

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

Consent Agenda

- A) *Minutes of the September 10, 2012 Regular Council Meeting.*
- B) *Accounts payable checks totaling \$132,416.03.*

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Liz Lewis, Director, thanked town council members for attending the *Love Your Downtown* Fundraiser. Ms. Lewis said that the turnout for the event was not as hoped but was a good time for attendees. She feels that this type of fundraising is not as effective as it used to be and noted that all local non-profit organizations are experiencing the same problem. She explained that all organizations are experiencing a lack of funding in the community to be able to support this type of event. Ms. Lewis said that the fundraising committee is working on new strategies and partnerships. A new group was introduced at the event; the Blue Ridge Brewers Association. Ms. Lewis added that she has been invited to sit on a statewide panel to discuss the future of economic and business development in Virginia. The next meeting will be in Charlottesville in November. Ms. Lewis stated that LDI is working with the Farmer's Market, EDA, School offices, Page Valley Arts Council, and potential businesses on several projects. Those projects include a permanent farmer's market, pop-up businesses, and a community arts center, building rehabilitation, local grants, and revolving loan funding. Ms. Lewis said that she is also excited about a three county effort (Page, Rockingham, and Augusta Counties) for a Virginia Tourism Marketing Grant. The three counties and their respective tourism and marketing groups will participate and work collectively to attract more visitors from northern Virginia. Upcoming events for LDI include; an Evenings on Main Concert this Saturday, Trick or Treating on Main Street, a Pumpkin Painting Contest, and the first Turkey Trot race event. Ms. Lewis noted that this new event has been able to offer free race registrations to all youth grades K-8 due to a Healthy Youth Grant managed by the school system.

Luray/Page County Chamber of Commerce

Ms. Pam Flasch reported that there will be a diamond sponsor for this year's chamber banquet. This year's banquet will also celebrate the town's Bicentennial with a theme of "Past, Present, and Future". The evening will begin at 4:00pm with the hospital Groundbreaking Ceremony. The banquet will follow at 6:15 at the Mimslyn. Ms. Flasch advised that tickets should be purchased early as spaces are limited. The next morning the chamber will host a light breakfast at the Mimslyn with a guest speaker on customer service. Other events coming up for the Chamber of Commerce include; the Business Networking Lunch on Thursday at LFCC and the Business After Hours for the month will be hosted by the United Way at the Art Warehouse. On November 7th, the Chamber will host Entrepreneur Express from 8:30 – noon, followed by a "hub zone" workshop from 1:00-4:00pm. The Business After Hours in December will be hosted by the Rotary Club at the Mimslyn.

DEPARTMENTAL REPORTS

POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES

Chief Campbell noted 243 calls for service for the month of September 2012, bringing the year to date calls to a total of 2,378. Arrests for the month of September totaled 34. Chief Campbell advised that the department held its mandatory firearms qualifications this month.

PARKS AND RECREATION

Director of Parks and Recreation, Pat O'Brien provided his written report for Council. Councilwoman Menefee inquired if the town staffed concessions for the last tournament held at the recreation park and if there was any report on this yet. Mr. O'Brien reported that likely the town would break even on the cost of operating the concessions, if the town did not have to incur the cost of staffing. Mr. O'Brien said that he has heard of the Luray Little League's interest for operating the concessions next season.

Mr. O'Brien reported that the fall decorating is complete, as the target deadline was for all decorating to be complete prior to the Heritage Festival.

Mr. O'Brien discussed the CDAC group from Virginia Tech, which provides free design work as a part of student studies. He added that this is a terrific way for the town to get free design work, whether or not the projects are implemented. Three projects that the group will be working on in the upcoming year are; a Main Street pocket park, a "safe walks" to school program, and the possible extension of the greenway trail.

Mr. O'Brien stated that he was happy to report that the town has been featured on the front page of the National Arbor Day Foundation Annual Report. He stated that this is a very nice honor for a town the size of Luray. He said that there are two nice articles in the publication and also a link to obtain more information/history on Luray's Hawksbill Greenway trail.

Council and Staff then discussed the new color-coded greenway mapping system. Mr. O'Brien displayed the most recent version of the color coded map and explained the health information found on the map. The map was made possible by the Virginia Foundation for Healthy Youth grant. The grant funding required that the health information be included, which made the maps free of charge to the town. Mr. O'Brien said that the intent was to make the maps available along the trail and also to provide the maps to emergency services personnel. The intent was that fire, rescue, and police personnel will be more easily able to locate someone who may be in need of medical assistance. Mr. O'Brien said that he also hopes to publish some larger versions of the map and also some laminated ones. Councilman Vickers inquired about when the stripes will actually be painted. Mr. O'Brien said that this can begin at any time. Mr. O'Brien requested direction from Council on painting the stripes and dots versus painting the stripes only. He recalled that there has been some previous discussion from Council on this. Mr. O'Brien stated that he prefers to paint the stripes only, because the dots are only placed every one-tenth of a mile. He stated that the dots would not be as clearly defined as painting the stripes. Mr. Webb suggested painting only the ends of the lines rather than the entire line. He felt this would keep the look of the lines consistent but also add the needed colors. Mr. O'Brien asked for Council's opinion on this and said that he is open to whatever their decision is. Mayor Presgraves stated that the

intent of the color coding is to easily define where an individual can be located if that person calls 911 with an emergency. Mr. O'Brien suggested that the clearest way to define the areas is to paint the entire stripe. Council's consensus was to paint the entire line according to the color codes.

Mr. O'Brien also informed members that the town will be featured in the upcoming Virginia American Planning Association book. This publication is widely read and will highlight success stories of the commonwealth, with Luray being one of those.

Lastly, Mr. O'Brien said that plans are underway for the upcoming Halloween Event at the Recreation Park. Also, all groups are meeting to begin work on the 2013 Event Calendar. He added that the monument work is continuing with the lights completed today. The next project for the department will be to begin work on the Bicentennial Planter Project.

PUBLIC WORKS DEPARTMENT

Lynn Mathews, Superintendent of Public Works, informed Council that the public works department repaired four water leaks and responded to seven sewer calls for the month. Projects going on this month include the annual fall clean-up, brush collection, leaf collection, storm drainage work, sign repairs, and sign repairs.

WTP AND WWTP

Charlie Hoke, Director of Utilities, told Council members that the Water Treatment Plant is running as designed and producing good quality water for the town. He added that all distribution samples came back negative. Mr. Hoke informed members that the groundwater study has been completed this month and he has received verbal approval on this.

Mr. Hoke reported that the Wastewater Treatment Plant is in compliance with all state and federal regulations. Mr. Hoke then reported on his request for the drying bed roof from the last Council meeting. Mr. Hoke explained that four bids were received to complete the new roof. He stated that all of the bids were from competent contractors. Mr. Hoke asked that Council approve the low bid for the project from Doug and Steve's Carpentry. Mr. Hoke stated that he feels the low bidder is very qualified and has been highly recommended. He maintained that the current state of the roof is a safety issue. Mayor Presgraves asked if this is currently included in the budget and noted that regardless this needs to be corrected before someone becomes injured. Mr. Black and Mr. Hoke confirmed that it is not a budgeted expense and that an amendment would need to be made at year end.

Motion: Councilman Lancaster motioned to approve the bid from Doug and Steve's Carpentry to construct the new roof for the drying beds at the Wastewater Treatment Plant, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee Lancaster, Sours, Meaney. **Approved 6-0**

PLANNING & ZONING

Town Planner, Ligon Webb, reported that the Planning Commission will have one public hearing at the Wednesday meeting for Brian Hines of Lennox Land LLC. The request is to rezone approximately .63

acres from R3 to B1. The subject parcel is roughly 1.24 acres and is currently “split zoned” with the front portion zoned B1 and the rear portion zoned R3. The site is the former “IGA” grocery store. The applicant intends to rehabilitate the property for commercial retail use.

Additionally, the Planning Commission will be reviewing two portions of the town code according to citizen requests. These portions of the code deal with camp sites and bed and breakfast operations. The commission will review these areas of the code and bring back their recommendations to Council.

Mr. Webb stated that the community work session for the Comprehensive Plan went very well. He stated that 66 surveys were completed and that the newspaper did a nice job of summing up the sessions. Mr. Webb said that he is hoping to put this information into an online survey and obtain additional survey information. He would like to see an additional 60-70 responses. Mr. Webb said he plans to present this to the Rotary Club next week as well. He hopes to continue to compile the survey results and have a summarized report by the end of the calendar year. Mr. Webb anticipates adopting the revised Comprehensive Plan by February or March 2013.

Mr. Webb informed Council and Staff that on Saturday, October 27th at 11:00am a rededication ceremony will be held for the East Luray Heroes Monument. Mr. Webb said that the pocket park area at the monument is coming along nicely and is under budget. He stated that the Ruffner Family has donated \$500 and the United Daughters of the Confederacy donated \$700. Mr. Webb has invited members of the Barbee family and a small ceremony will be conducted. Mr. Webb said that the plaque is up and looks very good.

Mr. Webb stated that he will be attending VDOT’s “Local Programs Workshop” during the last week of October.

Lastly, Mr. Webb reported ten zoning permits this month for a total value of \$195,500.

Councilman Vickers suggested that the comprehensive plan survey could be sent out at the high school to obtain more feedback.

OLD BUSINESS

Proposed Intersection Improvements

Assistant Town Manager, Bryan Chrisman, presented the latest revisions of Council’s last discussion on intersection improvements. He stated that there were only some minor changes on the draft from Racey Engineering. He said that the primary intersection is the South Court Street and Mill Creek Road intersection. He discussed the proposed improvements for this area and stated the revisions are fully compliant with the Manual of Uniform Traffic Control Devices and VDOT’s standards. Mr. Chrisman discussed a second intersection at Luray Avenue, Amiss Avenue, Jamison Road, and Hawksbill Heights Drive. This intersection also requires improvements due to the various approach angles. Mr. Chrisman reviewed the diagram for this area and noted about 1200 square feet of additional pavement needed. He explained that both of these improvements qualify for VDOT street maintenance funds. Mr. Chrisman said that depending on how the winter goes, the projects could be on the schedule for spring. However, if snow removal costs are high, then these projects can be implemented in the next fiscal year. He added

that these intersections are high on the town's priority list from a safety standpoint. Ms. Lewis suggested adding crosswalks to the Luray Avenue/ Jamison Road area. Council and Staff then discussed possible locations and eligibility for VDOT funding for such crosswalks. Mr. Chrisman said that depending on the location of proposed crosswalks; the town may be fully responsible in terms of funding. A third intersection is at Garfield Avenue and High Street. During the installation of new signs, town staff came back to Mr. Chrisman with the problem regarding street signs in this area. Mr. Chrisman said that all three intersection improvements would be implemented no sooner than spring 2013, therefore any comments or concerns can be addressed.

North Broad Street Improvement Project

Town Manager, Rick Black, stated that the project came before the town through LDI's ability to obtain a \$25,000 grant to improve North Broad Street. Mr. Black explained the design rendering provided for Council and discussed the proposed sidewalks and crosswalk. Some landscaping and curb enhancements are also included in the design. Mr. Black said that the adjacent property owners are in agreement with improving the area. There was also discussion on the possibility of sidewalks all the way down North Broad. Mr. Black and Mr. Chrisman said that due to the traffic pattern and power pole, etc. there is no option for a continuous sidewalk. Council members and staff members discussed concerns for the proposed crosswalk location. Concerns were made about the speed of traffic coming into town. Staff and Council discussed the areas that will be traditional sidewalks and which are proposed painted sidewalk areas. Councilman Lancaster suggested moving the crosswalk farther north. Mr. Chrisman said that staff will revise the design and come back with another rendering.

Commission and Committee Nominations

Mr. Black said that he believes that Councilman Meaney, Councilman Sours, and Councilwoman Menefee have nominations for consideration. Councilwoman Menefee nominated John Mitchell to the Board of Zoning Appeals. Councilman Sours nominated Irina Feit to the Board of Zoning Appeals. Councilman Meaney nominated Brenda Beahm to the Tree and Beautification Committee.

Motion: Councilman Lancaster motioned to approve the commission and committee nominations as presented, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee Lancaster, Sours, Meaney. **Approved 6-0**

NEW BUSINESS

Gerald Dovel (Intersection of Willow Street & Mechanic Street)

Town Manager, Rick Black, said that this issue has been brought to his attention by Mr. Dovel who owns the property at the intersection. Mr. Black said that in the past the town paved the connection area from Willow Street to Mechanic Street. He explained that the question is if the town wants to continue to maintain this area or consider other options. Other considerations are to make this a one way street or to make it a dead end street. Regardless, Mr. Black said that the town has assumed the maintenance for the street for about the last 30 years.

Gerald Dovel- 87 Gapview Lane, Luray

Mr. Dovel stated that the situation arose when he was advised by town code enforcement that the shrubbery on his property needed trimming. He agreed that this needed to be done and complied. However, he said that the issue is the danger of the intersection. Mr. Dovel stated that as the property owner, he does not want to have any liability for accidents that may result from use of the street. He said that he will remove the shrubbery to help, but doesn't believe this will solve the problem.

Mayor Presgraves suggested it would be hard for the town to make any changes if the area is a private alley. Councilman Lancaster said that he went to the area and had no trouble at the intersection or had any issues with visibility. Mr. Lancaster said that in his experience he has never seen any accidents in this area. Chief Campbell explained that the complaint was generated and that the code enforcement officer assumed this was a public street and served the notice to Mr. Dovel. He said that there is no crash data to show that this is a dangerous area; however, he is in favor of doing anything to make this area safer. Councilman Meaney maintained that this area is not a hazard because of people who live on Willow Street, but is used by others who are taking this as a "short-cut". Councilwoman Menefee said that she too has visited the area and it is extremely difficult to turn around and is dangerous to exit. Mr. Black suggested a "Private Drive" sign be put in place. Mr. Chrisman suggested that staff meet with Chief Campbell and Mr. Dovel and go over the issues. Mayor Presgraves said that they should study this and that Mr. Dovel should not be liable for any incidents because he does not own the private portion of the roadway. Staff concluded that a "Private Drive" be put in place and is the best solution.

Wallace Avenue Water Line (Fake)

Town Manager, Rick Black, stated that many years ago the property on Wallace Avenue was purchased by Mr. Charlie Fake, who also owned another property where the spring is. There are three properties in total with water rights to the spring. Mr. Black explained that there is a 2" galvanized line that continues to leak in this area. There are two properties that are on the other side of the bypass adjacent to the Old Farms subdivision that are connected to this line as well. Mr. Tommy Fake, owner/resident, would like for the town to repair this line. Council and Staff discussed the construction and locations of the original lines and the cost associated with the new line. Town Manager, Rick Black, stated that no easement records have been located by the Town Attorney for the original construction of the lines, which were constructed in the 1970's. Mr. Chrisman maintained that regardless of any easements this water line leakage has to be repaired and was already on the replacement schedule. Mr. Chrisman noted that the town is losing a great deal of water from this line. Councilman Lancaster said that with the cost of filtering the water the leak needs to be stopped. Town Manager, Rick Black, recommended to Council members that the line be replaced and to trade this for an easement. There would also be the addition of three meters to monitor the line for any remaining leaks.

TOWN ATTORNEY'S REPORT

Water Rights Update

Town Attorney, Jason Spittler, reported on Hite's spring since this is the current topic of discussion. He stated that most of his work has been devoted to the Hite Spring property and Mr. Fake's property.

Mr. Spitler said that he will continue working with the Assistant Town Manager to certify title to the town's water sources and the properties that make up these water sources. He will also be studying the rights and obligations of these water rights for both the town and property owners. Mr. Spitler said that the concern originally came from Councilman Lancaster that most of this information remains undocumented. He plans to put these items on the record through resolutions that will be adopted by Council for future reference. Mr. Spitler said that he will also be working with town staff to identify those property owners which receive free or discounted water service.

Mr. Spitler said that he will work on the Hite Spring issue first and bring a proposed easement back to Council concerning the installation of a new water line.

Bicentennial Tree Perpetual Easement

Town Attorney, Jason Spitler, has included for Council's review a proposed deed of easement from the McConnell's regarding the bicentennial tree planter. Mr. Spitler offered to address any concerns from council on the easement and requested a motion to approve the document if Council chooses to do so.

Motion: Councilman Arrington motioned to approve the Easement from the McConnell's regarding the Bicentennial Tree Planter Project as presented, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee Lancaster, Sours, Meaney.

Approved 6-0

Harrison #2

Mr. Spitler discussed the Harrison Property on North Broad Street. This matter has already been approved by Council; however, Mr. Spitler reviewed the specifications of the property. Mr. Spitler is circulating the deed for the property and will ask the Mayor to authorize the needed documents this evening.

Changes or Additions to the Agenda

Mr. Spitler updated Council members on the proposed West Luray boundary adjustment concerning the Page Community Development. Council members previously advised staff to hold off on the proposed boundary line adjustment agreement until further information is provided from the developer. Mr. Spitler met with the developer and Racey Engineering on September 17th and has since asked for a written request for the boundary line adjustment. Also, the request referenced the original developer's agreement and information regarding the required water and sewer infrastructure for the development. Mr. Spitler said that a response received from the developer did not address the original agreement or any of these obligations. Mr. Spitler stated that he is uncomfortable moving ahead with this until these matters are corrected. He said that if Council agrees, he would like to respond to the developer's letter regarding these matters. Mayor Presgraves said that the original developer's agreement cannot be ignored. Mr. Spitler said that he will respond to this letter as discussed.

Mr. Spitler stated that he had no further matters for open session, and requested Council convene in closed session.

Reappointment

Mayor Presgraves requested to discuss the reappointment of the Town Attorney and asked for Council's action on this.

Motion: Councilman Arrington motioned to approve the Luray Town Attorney's contract for a two year term as drafted effective November 1, 2012 and terminates September 2014, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee Lancaster, Sours, Meaney. **Approved 6-0**

EXECUTIVE SESSION

Personnel, Section 2.-3711.A.1 – Town Manager

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing Section 2.2-3711.A.1.

Motion: Councilwoman Menefee motioned to recess the regular session and to convene in executive session; Councilman Arrington seconded the motion with the following members voting YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

Motion: Councilman Sours motioned to adjourn the closed session and to reconvene in open session; Councilwoman Menefee seconded the motion with the following members voting YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

Mayor Presgraves asked members of Council to certify that to the best of their knowledge only matters covered under Section 2.2-3711.A.1 were heard, discussed, or considered during the closed session. **The roll was called with all members certifying "Yes".**

RECESS

Mayor Presgraves requested to recess the regular session of the Town Council at approximately 9:25pm. He requested to reconvene the meeting on Tuesday, October 16th, 2012 at 7:00pm. Mayor Presgraves said the meeting will reconvene to discuss Legal Matters with Council and discussion with the Town Manager.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer