

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

**TUESDAY, NOVEMBER 13, 2012**

The Luray Town Council met in regular session on Tuesday, November 13, 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  
Joey Sours  
John Meaney

**Council Absent:** Lonnie Arrington

**Also Present:**

Bryan Chrisman, Assistant Town Manager  
Mary Broyles, Town Clerk/Treasurer  
Danielle Babb, Deputy Clerk/Treasurer  
Jason Spitler, Town Attorney  
Ligon Webb, Town Planner  
Lynn Mathews, Superintendent of Public Works  
Page Campbell, Police Chief  
Pat O'Brien, Director of Parks and Recreation  
Regina Hilliard, Luray Page County Chamber of Commerce  
Liz Lewis, Luray Downtown Initiative  
Page News and Courier  
Brian Hines, Lennox Land LLC

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. Councilwoman Menefee 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 Lancaster with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Sours, Meaney. **Approved 5-0**

## ***Consent Agenda***

- A) Minutes of the October 9, 2012 Regular Council Meeting.*
- B) Minutes of the October 16, 2012 Special Council Meeting.*
- C) Minutes of the October 23, 2012 Council Work Session.*
- D) Accounts payable checks totaling \$170,792.90.*
- E) Financial Reports for the period ending October 31, 2012.*

## **PUBLIC HEARING**

### **Brian Hines (Old IGA Site)-Lennox Land, LLC Rezoning**

Mayor Presgraves stated that there was one public hearing for this evening's meeting. Town Planner, Ligon Webb, presented the information from Mr. Brian Hines, Lennox Land LLC, who is seeking to rezone a 0.63 acre portion of a parcel totaling 1.24 acres from R3(High Density Residential) to B1(General Business). Mr. Webb said that surveys indicate that the parcel has two zoning districts. The applicant would like to rezone the R3 portion of the property to B1, so that the parcel will have a uniform zoning classification. The parcel is the former location of the "IGA" grocery store. The applicant intends to rehabilitate the structure and lease it to a commercial client. Mr. Webb stated that Mr. Hines is present this evening and that he may want to speak to the issue.

### **Brian Hines, Lennox Land LLC-**

Mr. Hines said that he has visited Luray numerous times over the last few months. He said that one of the biggest surprises was this split zoned property. Mr. Hines said that he has met with Mr. Webb on the issue and is here today regarding the rezoning request. Mr. Hines said that he does have the property under contract and is a national developer for Dollar General. Mr. Hines said that the question has come up "What will happen to the other store?" He stated that he is not aware of what this means for other Dollar General stores and that this type of decision would be up to the corporate office.

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

**Motion:** Councilman Lancaster motioned to approve the rezoning request from Mr. Brian Hines of Lennox Land LLC, motion seconded by Councilwoman Menefee with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Sours, Meaney. **Approved 5-0**

## **TOWN AFFILIATED BOARDS AND COMMISSIONS**

### **Luray Downtown Initiative**

Liz Lewis, Director, stated that LDI is pursuing two more grant opportunities that are due by the end of the month. One is a Virginia Enterprise Initiative Grant, which will allow LDI to focus on further developing the farmer's market. She explained that the idea is for a permanent structure for the farmer's market. The other grant application is for an additional downtown improvement grant in the amount of

\$25,000 through DHCD. Ms. Lewis provided a design rendering for streetscape improvements at Performing Arts Luray. Ms. Lewis has just met with the PAL's board and is very excited about this opportunity. Ms. Lewis said that she will be looking for a letter of support from the town and a monetary contribution. Ms. Lewis discussed the recent statewide panel meeting for the future of economic and business development in Virginia. Ms. Lewis said the panel meeting provides many resourcing opportunities. Ms. Lewis also noted that she has met with Front Royal about becoming a Main Street Community and discussed Luray's experience. Ms. Lewis also provided information regarding the Page Valley Arts Council. The Trick-or-Treat event on Main Street was very successful and hosted over 350 participants.

Upcoming events include the Turkey Trot, Small Business Saturday, and the Find Santa event. Ms. Lewis said that currently over 328 racers are registered for the Turkey Trot. She noted that the event is made up of almost 80% local participants and is sponsored by 24 local businesses. The event will also include a pre-race feast fundraiser sponsored by Luray Methodist Church, 60 local volunteers, 45 high school student volunteers, and two local Girl Scout troops will volunteer. Ms. Lewis said that Small Business Saturday is November 24<sup>th</sup> and is promoted by American Express. LDI will also be holding the buy local campaign called "Stars and Jars". Shoppers will buy a star to enter into a drawing for a \$50 buy local gift certificate; all funds raised from this event will go to Page One and Choices.

Mayor Presgraves asked if all technical issues were taken care of for the Turkey Trot. Chief Page Campbell noted that the Police Department has delivered notices for the affected areas. Assistant Town Manager, Bryan Chrisman, said that notices have also been sent to all agencies for road closures.

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

Ms. Regina Hilliard, Chamber Office Manager, presented the report for the Luray Page County Chamber of Commerce. Ms. Hilliard updated members on the Executive Director vacancy. She said that initial interviews have been conducted and a second round of interviews will take place. A new director should be hired by the end of November or early December. Ms. Hilliard noted that the new Visitor Guide has been released and that copies are available at the Chamber office. She also discussed the advertising efforts for December. Ms. Hilliard discussed the recent Chamber banquet and noted the first ever *Diamond Sponsor* was Valley Health Page Memorial Hospital. She also noted the other sponsors and award winners for this year's banquet. Upcoming Events include the Free Business Counseling on November 20<sup>th</sup>, Tourism Tuesday with WZRV on November 20<sup>th</sup> and December 18<sup>th</sup>, and the December Business After Hours on December 20<sup>th</sup>. Lastly, Ms. Hilliard provided the October statistics with Tourist Calls at 580, Local Calls were 538, Tourist Walk-Ins were 2,347, and Local Walk-Ins were 448. Mayor Presgraves complemented the Annual Chamber Banquet and said it was the nicest one he has attended over the years. He noted that all Council Members attended the banquet and the event was superb!

### **Luray Bicentennial Committee**

Pat O'Brien and Liz Lewis both noted that plans are still underway for the Bicentennial Planter Project and the project is moving forward.

## **DEPARTMENTAL REPORTS**

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

Chief Campbell noted 226 calls for service for the month of October 2012, bringing the year to date calls to a total of 2,604. Chief Campbell discussed the emergency management and national weather service calls regarding Hurricane Sandy. He said that all information was distributed to department heads to keep everyone posted. Chief Campbell advised that he represented the town at the Regional ECC Drill held earlier today.

Mayor Presgraves thanked all staff for their preparation in advance of the storm.

### **PARKS AND RECREATION**

Director of Parks and Recreation, Pat O'Brien provided his written report for Council. The new color coded map of the Greenway was displayed for Council members. Mr. O'Brien said that the maps have been ordered and were paid in full by a health related grant.

Mr. O'Brien made council members aware of repairs needed at the Imagination Station playground area. He showed photos that depict the repairs that have been made and other areas in need of repairs. He said that some emergency repairs have been made, but more repairs are going to need to be planned for and will be costly. Mr. O'Brien would like to repair some more areas this winter, but noted that all areas are operational and meet safety standards. Council and staff discussed using "Trex" decking material for future repairs and options for getting the material at a reduced cost or potential contributions for the repairs.

Mr. O'Brien presented the summary for the R.H. Dean Concession Stand and noted an approximate \$6800 loss for the town. He advised that if the Little League ran the concessions, they would not have incurred staffing costs; thus, the league would have seen a profit of about \$4,700. A letter was included in Council's packet from the Luray Little League President, Mr. Dennis Shenk, regarding a request to operate the concession stand and other field related matters. Mr. O'Brien asked for Council's direction on this request. Mayor Presgraves asked Mr. O'Brien how he and his staff feel about this. Mr. O'Brien stated that he would rather not see the town lose \$6,800 in funds on the operation of the concessions and hassle with the operations aspect. He said that this would be a good option so long as checks and balances are in place to ensure that the concessions are operated in a professional manner. Mayor Presgraves asked if the town is responsible for the health permits. Mr. O'Brien and Mr. Chrisman confirmed that the health permits are held by the town and would allow the town to inspect the facilities. Council and staff discussed having a contract or maintenance checklist, etc. Mr. O'Brien agreed that this is a good idea and that checklists are already established. Town Attorney, Jason Spittle, said that there is already an agreement and that he doesn't recall there ever being a dispute over the agreement. He recalls the dispute was in regards to profits that would be returned to the town. Councilwoman Menefee inquired if there would be some type of fee for use of the concession facility. Councilman Lancaster suggested tying any fees to utility costs incurred by the town. Mr. Lancaster said that the utilities are the most expensive cost if the stand is not operated correctly. Mr. O'Brien said that some of the utilities are controlled but staff noted that the electricity is not metered separately. Mayor Presgraves suggested sitting down with the league president and coming up with a nominal fee that could be agreed upon.

Councilman Meaney said that the tone of the letter seems very cooperative and that we should be able to come to an agreement. Mr. O'Brien said that it is imperative that the concessions also be open for any tournaments held at the park, so the league would need to operate the stand during those times. Councilman Vickers said we would need to ensure the stands be open for all games, since this has been an issue in the past. Council and staff then discussed requests from the letter that included field changes to accommodate baseball games.

Mr. O'Brien also presented the draft of the 2013 Events Calendar.

Mr. O'Brien discussed recent repairs made to the American Legion Tennis Courts. Mr. O'Brien has met with the company as the repairs were not satisfactory. However, Mr. O'Brien recognized that the repairs were made to the best possible extent. The only comprehensive repair would be re-paving the entire surface. The end result is an agreement between American Tennis Courts and Mr. O'Brien to reduce the cost of the repair bill. Mr. O'Brien also introduced the possibility of grant funding for new tennis courts through the Department of Conservation and Recreation. Mr. O'Brien and Mr. Webb will be working on this grant process and will gain estimates on the cost of new courts.

## **PUBLIC WORKS DEPARTMENT**

Lynn Mathews, Superintendent of Public Works, informed Council that the public works department repaired seven water leaks and made one new water tap on Creekside Drive. He stated that the department has previously repaired two fire hydrants and has issued public notices regarding a fire hydrant that will be repaired on Virginia Avenue this Friday morning. The department also responded to six sewer calls for the month and made three sewer line improvements. Projects going on this month include leaf collection, Christmas decorations, storm drainage work, sign replacements and repairs. Mr. Mathews advised that all equipment is ready for snow removal as needed.

## **WTP AND WWTP**

Assistant Town Manager, Bryan Chrisman, provided the report for the Water and Wastewater Plants. The Wastewater Plant is operating within design specifications and meeting all nutrient reduction limits at this time. The plant is in compliance with all state and federal regulations. Steve and Doug's Carpentry has removed the old roof and are installing the new roof trusses for the drying beds. The project is moving along more quickly than anticipated.

Water Treatment Plant is running as designed and recently the town had a visit from the PAL technician who advised the plant is in great condition. He added that all distribution samples came back negative. All in house samples are within standards and the plant is in full compliance.

## **PLANNING & ZONING**

Town Planner, Ligon Webb, reported that the Planning Commission will meet on Wednesday, November 14<sup>th</sup> and will not plan to meet in December. He stated that no public hearings are currently scheduled.

Mr. Webb discussed the "Request to Administer" application to VDOT. Mr. Webb has been in contact with Mr. Michael Fulcher of VDOT and a meeting has been scheduled for sometime this month with town staff. Mr. Webb said that he intends to only include the bridge replacement in the request for administration. He stated that the emphasis at this time should be on the bridge project and would like to see this project begin in 2013. Mr. Webb indicated that Mr. Fulcher is not confident that the project can begin in 2013. Mr. Webb would like to see the town begin the project before construction costs rise in order to keep within the grant funding.

Regarding the Comprehensive Plan, Mr. Webb said that he has presented the plan to the Rotary Club and is working on tabulating the scores of the survey portion. He stated that he is currently working on a report and will provide this for next month's meeting.

Lastly, Mr. Webb stated that a total of 6 zoning permits were issued with a total combined value of \$252,880.

## **OLD BUSINESS**

### **Revolving Microenterprise Loan Program**

Assistant Town Manager, Bryan Chrisman, presented information regarding the microenterprise loan program. Mr. Chrisman said that these items were all presented previously and were action items for tonight's meeting. He said that the first item is the Resolution for the Revolving Micro-Enterprise Loan Program-Series One which covers fiscal years 2011 through 2016. The reason for this request is to approve the current income plan because the prior CDBG Loan Program has been closed out. The town is currently operating on inactive program funds. The resolution and attached income plan have both been provided for Council's action.

Councilwoman Menefee inquired about a default on one of the current loans. Mr. Chrisman advised that the participant has currently paid back over 54% of the current loan amount but is currently not financially able to pay back the remainder of the loan. Staff explained that the default on the loan is at no cost to the town, but only reduces the funds available for re-loan to new applicants.

**Motion:** Councilwoman Menefee motioned to approve the Revolving Micro-Enterprise Loan Program Resolution as presented, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Sours, Meaney. **Approved 5-0**

### **Lighting Request Updates**

Assistant Town Manager, Bryan Chrisman, stated that included in council's packet is correspondence from Shenandoah Valley Electric Cooperative regarding the potential lighting project that was discussed at the Council Work Session. Mr. Chrisman said that the project would be extremely costly as anticipated. He said that while the project is worthwhile it would be far too costly for the town to provide power to these areas for this type of lighting. Also, Mr. Chrisman and Council discussed lighting options under Highway 211 on the Greenway Trail. Councilman Lancaster requested that staff look at another lighting option similar to a design he saw in New Market. This design has a two light feature; he suggested this light design being attached to the bridge structure. Mr. Chrisman said that he

would have to check with VDOT to see if this would be permitted. Staff discussed the different types of lighting and costs associated with those and the likelihood of flooding damage. Mr. O'Brien suggested keeping the look of the lights consistent throughout the trail area. Mr. Chrisman said he will continue to work on these options and get back with Council.

### **North Broad Street Improvement Project**

Town Planner, Ligon Webb, presented a design rendering for the proposed North Broad Street Enhancements. The proposal is a two phase improvement plan that would improve the town's northern gateway area. The plans extends the existing sidewalk area, adds additional walkways, a new crosswalk, and enhanced landscaping. Mr. Webb said that even though enhancements on the west side of Route 340 are desirable they are just not feasible. Staff and Council discussed the use of VDOT maintenance funds and the requirements to use these monies for the town's matching portion. Mr. Webb said that the next step would be for Council to authorize staff to have a contractor provide cost estimates for Phase I and II. He said that depending on the cost then the project could be scaled back to accommodate the grant funding. Ms. Lewis stated that the grant funds must be expended by May 2013. Mr. Webb said he will proceed by getting in touch with a contractor and obtain some estimates for the project.

### **NEW BUSINESS**

#### **Hazard Mitigation Plan Update**

Assistant Town Manager, Bryan Chrisman, updated Council members on the NSVRC Hazard Mitigation Plan. He said that FEMA is currently reviewing the regional plan. If the plan is approved prior to the December Council meeting, a resolution can be approved at that time.

#### **Bridge Repair Recommendations**

Assistant Town Manager, Bryan Chrisman, stated that the town's bridge engineering firm, Schwartz and Associates, has completed its inspection reports. The recommendations from the report are included in Council's packet. The engineers have requested the town focus on a painting contract for the majority of the town's bridges and to replace seals prior to the painting. The current proposal for a bundled painting contract would cost between \$250,000 and \$275,000. Mr. Chrisman recommends that all of the recommended repairs be included in the town's CIP budget. He requested that Council direct staff if they would like for Schwartz Associates to construct a bid document for a painting contract. Mayor Presgraves stated that it seems the repairs are necessary. Councilman Lancaster said that it would not be possible to include all structures and the number of structures that could be repaired would be dependent on the budget. Staff and Council also discussed using VDOT funds for these repairs and how this would impact funding for other street repairs.

### **TOWN ATTORNEY'S REPORT**

#### **Boundary Line Adjustment – West Luray**

Town Attorney, Jason Spitler, reminded that at the work session, staff and council discussed the absence of a developer's agreement between Page Community Developments and the town concerning the

provision for necessary infrastructure. Mr. Spitler reported on a recent meeting with Mr. Eddie Smith, Project Manager, which he advised was a very productive meeting. He said that Mr. Smith agreed to work on a proposed developer's agreement to address the necessary infrastructure improvements. Mr. Spitler said that he has spoken with Mr. Rodney Jenkins and he has indicated the developer's agreement is in process. Mr. Spitler hopes the town will receive a draft developer's agreement very soon.

### **Tommy Fake Water Line Update**

Town Attorney, Jason Spitler, has included for Council's review a revised deed of easement based on some subsequent conversations with Mr. Fake's legal counsel. Mr. Spitler said that the modifications to the document are minor and that the client is willing to execute the agreement.

Mr. Spitler added that he is also working on the Janice Davis property easement regarding Hite Spring.

Mr. Spitler requested council's action on the deed of easement and asked that the motion also permits staff to include an appropriate survey once this has been furnished.

**Motion:** Councilman Sours motioned to approve the Deed of Easement for the Tommy Fake Water Line as presented, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Sours, Meaney. **Approved 5-0**

Councilman Vickers requested an update on the agricultural easement along the Greenway. Mr. Spitler said that he is working on updating the lease agreement with Mr. Long.

### **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:** Councilman Lancaster motioned to recess the regular session and to convene in executive session; Councilwoman Menefee seconded the motion with the following members voting YEA: Council Members Vickers, Menefee, Lancaster, Sours, Meaney. **Approved 5-0**

**Motion:** Councilman Lancaster motioned to adjourn the closed session and to reconvene in open session; Councilman Sours seconded the motion with the following members voting YEA: Council Members Vickers, Menefee, Lancaster, Sours, Meaney. **Approved 5-0**

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".**

**INTERIM TOWN MANAGER**

Mayor Presgraves stated that Council has discussed appointing Mr. Jerry Schiro to the position of temporary-interim Town Manager.

**Motion:** Councilwoman Menefee motioned to approve the agreement before them to retain Mr. Jerry Schiro as an independent contractor on a temporary, part-time basis to perform the duties of Interim Town Manager and to assist the Town Council with transition while selecting a permanent Town Manager, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Sours, Meaney. **Approved 5-0**

**ADJOURN**

Mayor Presgraves reminded Council members of some upcoming events including the Town of Luray Christmas Parade on December 8<sup>th</sup>, Stanley Christmas Parade on December 1<sup>st</sup>, and the Town of Luray Employee Christmas Dinner on December 14<sup>th</sup> at Luray Fire Hall. Mayor Presgraves also reminded council members of the office closures for the upcoming Thanksgiving Holiday. With no further business, Mayor Presgraves adjourned the regular session of the Luray Town Council at approximately 9:06pm.

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Barry Presgraves  
Mayor

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Danielle Babb  
Deputy Clerk-Treasurer