

**A REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF LURAY, PAGE COUNTY, VIRGINIA
Monday, April 12, 2010**

The Luray Town Council met in regular session on Monday, April 12, 2010 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: Nancy Shifflett
Lonnie Arrington
William Menefee
Leroy Lancaster
Jerry Schiro
Earl Racer

Also Present: Rick Black, Town Manager
Bryan Chrisman, Assistant Town Manager
Mary Broyles, Clerk-Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Ligon Webb, Town Planner
Jason Spitler, Town Attorney
Wayne Petefish, Lieutenant - Police
Charlie Hoke, Director of Utilities
Pat O'Brien, Director of Parks and Recreation
Bob Kelley, Kelley Construction
Nathan Strickler, Luray Little League
Planning Commission Members
Luther Johnson, Page News and Courier
Judy Suddith, Lord Fairfax Community College
Powell Markowitz, Luray Page County Airport Commission
Luray Little League Members
Karen Riddle, Luray Page County Chamber of Commerce
Briana Campbell, Luray Page County Chamber of Commerce
Donna Mitchell, 404 Mechanic Street, Luray
Karl Balhen, Proposed Luray Amusement Center

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 and then recited the United States Pledge of Allegiance.

CONSENT AGENDA

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

Consent Agenda

- A) Minutes of March 8, 2010 Regular Council Meeting.*
- B) Minutes of March 23, 2010 Work Session.*
- C) Financial Report for the period March 1 –31, 2010.*
- D) Accounts payable checks totaling \$163,419.14*

GENERAL CITIZEN COMMENTS

Judy Suddith- Lord Fairfax Community College

Ms. Suddith thanked Councilwoman Shifflett and Councilman Menefee for their service to the Luray Town Council and presented each with a gift. Ms. Suddith thanked Council and staff for the opportunity to discuss Lord Fairfax Community College and provided Council members with the 2010-2015 Strategic Plan. Ms. Suddith stated that there had been increases in enrollment and said that many high school students are taking dual enrollment classes through the college. Also, she said that LFCC has retrained misplaced workers to re-enter the workforce with more marketable skills. Ms. Suddith presented the “Achieve 2010” Billboard which focuses on accessibility, affordability, workforce, and infrastructure. With no questions from Council or Staff, Ms. Suddith thanked them for the opportunity to speak at the meeting.

Donna Mitchell - 404 Mechanic Street, Luray

Ms. Mitchell came before Council to request that the upper portion of Willow Street be closed for one evening to have a neighborhood party. Her concern was that there will be children/families at the event. While there is not a large amount of traffic, some of the vehicles are moving very fast. The proposed date is in May 29th 2010 and the time would be from 4:00pm – 10:00pm. Mayor Presgraves asked if any other residents on that street would be affected. Town Manager, Rick Black, replied that staff had no issues with this and that the only concern would be to notify the Emergency Communications Center of the road closure. **Motion:** Councilman Menefee motioned to approve the request from Ms. Mitchell as presented, motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Nathan Strickler – Luray Little League

Pat Racey could not be present at the evenings meeting due to illness. Mr. Nathan Strickler invited Council to opening day for the Little League this Saturday and stated that there would be a ribbon cutting ceremony for the new facilities afterward, which will begin at 9:00am.

Mr. Bob Kelley, Kelley Construction, updated Council on the progress at the R.H. Dean Recreation Park. He said that everything is on schedule and that the weather has been very cooperative. Mr. Kelley invited Councilman Menefee to look over the plans at the site.

Mr. Strickler introduced Ms. Alex Vega who is the fundraising coordinator for the Luray Little League project. She said that there will be a formal public announcement for the kick-off fundraiser to be held at Luray Caverns. Invitations and requests have been sent out to various speakers, vendors, sports teams, etc. The kick-off event will be held on May 22nd and Ms. Vega said that the community's support will be needed. Also, she told Council and staff that the minimum bid for naming the stadium will begin at \$50,000. She emphasized that the event will be open to the public and is an age 21 and over event.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Page County Chamber of Commerce

Ms. Karen Riddle introduced the incoming President of the Chamber, Ms. Briana Campbell. Ms. Campbell said that she was excited to be home and working for the chamber. Ms. Riddle said that the takeover will happen very soon and noted that Ms. Campbell's first item was the state tourism conference. Karen stated that the chamber was thrilled to have found Brianna as her replacement. Mayor Presgraves thanked Ms. Riddle for her service to the Luray Page County Chamber of Commerce and said that she will be missed.

Luray Page County Airport Commission

Mr. Powell Markowitz advised Council that there are currently eighteen hangars rented. He said that two more tenants are coming soon and that they are still working on getting a mechanic to rent several hangars. Mr. Markowitz told Council that notice has been sent to airmen that the AWOS is open to the public. He stated that a report can be obtained on one's home computer and by phone. Mr. Markowitz verified that the system is fully functional. Lastly, Mr. Markowitz stated that land negotiations are continuing.

DEPARTMENTAL REPORTS

POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES

Lieutenant Wayne Petefish stated that the departmental report could be found in Council's packets. Also, he stated that on late Friday afternoon the electronic traffic sign was installed at Leaksville Road. He said that the sign has been programmed to flash from 7:45am until 8:30am and also from 3:00pm until 4:00pm. The signal prohibits a left turn onto West Main Street when flashing.

Lieutenant Petefish stated that he had received a call regarding Earth Day and a skateboarding demonstration on the Greenway during the event. Mr. O'Brien, Director of

Parks and Recreation, clarified that the skateboarding would not take place on the Greenway but in the Allegheny parking lot. Lastly, Lieutenant Petefish explained that the number of crimes went up during the month of March due to the spree of vehicle break-ins that took place. He stated that charges are pending on these crimes.

PARKS AND RECREATION

Pat O'Brien, Director of Parks and Recreation, handed out an update on the Festival of Spring. He noted that the spaces available for food vendors are full but that there are still spaces available for craft vendors.

Mr. O'Brien said that the 7th annual youth trout tournament was held this weekend with 181 participants. Mr. O'Brien thanked the Luray Police Department and Page County Sheriff's Office for their help with the event.

PUBLIC WORKS DEPARTMENT

Town Manager, Rick Black, stated that Mr. Mathews was at a training session in Williamsburg and could not be present. Mr. Black reported that the public works department repaired three water leaks and had been checking hydrants.

Mr. Black stated that the department responded to five sewer calls and had been checking sewer lines. Mr. Black also stated that lines had been repaired near Days Inn.

Upcoming projects for the department will include brush collection, drainage work, sign repairs, and assisting the paving and line painting crews.

WTP AND WWTP

Charlie Hoke, Director of Utilities, said that the wastewater construction is going very well. He said that crews are currently filling the new clarifier and that the old smaller ones will soon go offline and be reserved for emergency use only. Mr. Hoke said that the plant received one exception for last month due to heavy precipitation. He emphasized that this was only an exception and not a violation.

Mr. Hoke advised Council and staff that the water system is running very well. Mr. Hoke said that there are still some issues with the construction firm and that they will be back on site to finish some work. Mr. Hoke said that all samples in the distribution system came back negative. Lastly, Mr. Hoke advised that the West Main water tank had been drained and cleaned and that no reports have been received, but he expects no problems.

PLANNING

Mr. Webb told the Council that he had met with some representatives for the Virginia Planning Conference. Mr. Webb stated that he is working to have the fall work session conference held in Luray. He noted that this is a mid-week event and he will be working to plan hotel lodging.

Mr. Webb stated that he had another item of business this evening. He said that after talking with the Town Manager, Rick Black, he wanted to bring this matter before Council to get their interpretation and see how they wanted to handle this. Mr. Webb said that he was approached back in February 2010 by Mr. Karl Balhen concerning operating an "amusement center" at the former location of "Cravings Ice Cream". Mr. Balhen wants to basically have an arcade/ family entertainment center. When Mr. Balhen explained this to Mr. Webb he had no problems with this. Recently, Mr. Balhen applied for his business license and it was called to Mr. Webb's attention that there would be two billiards tables at the location. Mr. Webb recognized that in order to have pool tables on the premises that the applicant would need a special use permit. In the B-1 zoning district a public billiard parlor requires a special use permit. It would be permissible to operate an amusement center if pool tables were absent from the facility with no special use permit. Mr. Webb's interpretation is that the facility is more of a commercial amusement center than a billiards room. Mayor Presgraves asked when the facility is scheduled to open. Mr. Webb stated that it is not supposed to open until July 2010. Mr. Webb said that a special use permit would not impede this time schedule. Mr. Webb would like to know how Council feels about this. Councilman Schiro suggested that the appropriate administrative process be used. Mr. Schiro stated that it was inappropriate at this point to make a decision based on the zoning administrator's interpretation. Mr. Webb stated that the town code does not have definitions for these activities. Councilman Arrington agreed that it would be best to go through the proper administrative process. Town Attorney, Jason Spitler, stated that he does not disagree with Mr. Webb but thinks it would be best to bring this before the Planning Commission. Lieutenant Petefish stated that he believes there is an age restriction for facilities that have billiards. Councilman Schiro re-stated that there is a formal process to go through and it should be followed.

Mr. Webb reviewed the proposed revisions to the Town's sign ordinance. Mr. Webb went over in detail the information that was included in the packet for Council. Mr. Webb stated that if these revisions were suitable with Council, he would advertise them for the May meeting. He said that this would be the last action for this planning commission.

OLD BUSINESS

FY 2010-2011 Budget

Mr. Black said that included in Council's packet is the draft notice of public hearing for the FY 2010-2011 budget. He noted an overall reduction in the budget due to the completion of construction projects. Mr. Black said that he would like to go forward with this

advertisement and schedule the public hearing for the May 10th Council meeting. Also included in the proposed budget are the utility rate increases discussed at the work session. Council's consensus is to run the advertisement for the public hearing.

NEW BUSINESS

WI-FI at the Ralph H. Dean Recreation Park

Town Manager, Rick Black, stated that he was approached by Patrick Embry, Valley Automation, and Alex Philips, highspeedLINK, to offer the Town wireless internet service at no charge at the R.H. Dean Recreation Park. Mr. Black emphasized that there would be no charge to the town; however, Mr. Embry is requesting a small advertisement at the concession stand to notify guest of the service. Councilman Lancaster asked if equipment installation would be required. Pat O'Brien, Director of Parks and Recreation, stated that a unit would be installed in one of the storage buildings and that a signal would need to be installed on top of the building. Mr. O'Brien stated that the signal would be confined within the park boundaries. Councilman Lancaster stated that he would prefer to see information about the service at the information kiosk rather than a sign constructed. Councilman Schiro questioned if there would be advertising when logging onto the service. Mr. Schiro said he agreed with this as long as nothing else would be advertised with the service. Council's consensus was to proceed with the offer.

Trailside Restrooms

Mr. Black advised Council that footers are being dug for the trailside restroom located on Phase II of the Greenway.

Changes or Additions to the Agenda

Councilman Menefee stated that in the proposed budget there are no provisions for a cost of living increase or raises. Mr. Menefee stated that he feels it would be a good gesture of appreciation for the entire workforce of the town. Mr. Menefee said that a one or two percent increase is not a lot of money but would let the employees know that Council recognizes that times are difficult. Councilman Schiro asked if the Town Manager could find the amount of funds in the current budget. Town Manager, Rick Black, stated that he would have more information at the Council work session. Councilman Arrington agreed with Councilman Menefee on the increase.

TOWN ATTORNEY'S REPORT

Jason Spitler, Town Attorney, advised Council that the only business he had for the evening required an executive session.

EXECUTIVE SESSION

Real Property, Section 2.2-3711.A.3

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing Section 2.2-3711.A.3. **Motion:** Councilman Racer motioned to recess the regular session and to convene in executive session; for discussion of the LFCC contract, and the parking from the Holsinger family, Councilman Menefee seconded the motion with the following members voting YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, and Racer. **Approved 6-0**

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

Mayor Presgraves asked members of Council to certify that to the best of their knowledge the only matter covered under Section 2.2-3711.A.3 was heard, discussed, or considered during the closed session. **The roll was called with all members certifying “Yes”.**

ADJOURN

Before adjourning the meeting, Mr. Black reminded Council of the town section of the VML meeting on Monday, May 13th. Also, Mayor Presgraves reminded Council members of the opening for Little League at 9am on Saturday with Arbor Day following at 1:00pm.

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

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer