

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

MONDAY, AUGUST 08, 2011

The Luray Town Council met in regular session on Monday, August 8, 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
Bryan Chrisman, Assistant Town Manager
Mary Broyles, Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Jason Spitler, Town Attorney
Ligon Webb, Town Planner
Lieutenant Wayne Petefish, LPD
Lynn Mathews, Director of Public Works
Charlie Hoke, Director of Utilities
Pat O'Brien, Director of Parks and Recreation
Liz Lewis, Luray Downtown Initiative
Briana Campbell, Luray-Page County Chamber of Commerce
Powell Markowitz, Luray Page County Airport
Kenneth Painter, Luray Page County Airport
Martha Shickel, NSVRC Executive Director
Page News and Courier
Members of the Page County Board of Supervisors**

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 Vickers led everyone in reciting the United States Pledge of Allegiance.

CONSENT AGENDA

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

Consent Agenda

- A) *Minutes of July 11, 2011 Regular Council Meeting.*
- B) *Minutes of July 26, 2011 Work Session.*
- C) *Accounts payable checks totaling \$ 112,995.84.*

PUBLIC HEARING

NSVRC Water Supply Plan

Assistant Town Manager, Bryan Chrisman, presented the public hearing for the NSVRC Water Supply Plan. He said that the Council has reviewed this several times over the last two years. He advised Council members that the advertisement for public hearing could be found in their packet of information for this evenings meeting. Mr. Chrisman advised Council that following the public hearing, he would like to request that Council take action on this resolution.

Mr. Chrisman asked to provide a short power point presentation that was provided by Ms. Martha Shickel, NSVRC Executive Director.

Following this presentation, Mayor Presgraves opened the public hearing. With no comments from the public, the hearing was then closed. **Motion:** Councilman Arrington motioned to approve the Resolution Adopting the Northern Shenandoah Valley Regional Water Supply Plan, motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

GENERAL CITIZEN COMMENTS

Ken Alger, Candidate for Commonwealths Attorney

Mr. Alger requested to speak before Council and stated that he could have spoken with Council members individually, but believes in open government and open communication. He noted that he will be speaking before the other towns and county as well. Mr. Alger says that first he will be promoting an open door policy and being accessible to working with the Town and Town Attorney. Second, he advised that he wants to be accountable to the citizens of Luray and to the citizens of Page County. The third platform for Mr. Alger is to promote informative and educational programs to prevent crime. Mr. Alger stressed that he believes many crimes can be prevented with more education in our local school system. Mr. Alger summarized by saying that his intention this evening was simply to inform Council what he is running for and to answer any questions.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Liz Lewis said that things are very busy at LDI and things are busy in town. She reported great news that LDI may be in their new office at the Depot in the next few months. Ms. Lewis said that the architect plans look good and she thanked Town Manager, Rick Black for making this happen. Ms. Lewis discussed LDI's Annual Fundraiser and said that the event is going to be held at the Art Warehouse Gallery on Thursday, September 15th. She said that the theme will be "Love your Downtown" and tickets will be more affordable at \$30-\$35. She noted that the food will be based on menu items from each of the downtown restaurants. She noted that LDI will not be asking for large sponsors as in the past but hopes that most of the funds will be raised through the sale of tickets, drinks, and auction items. Ms. Lewis said that LDI will be launching a new event sponsorship program that will provide value throughout the year as opposed to one time. Councilwoman Menefee asked how many events per year are anticipated. Ms. Lewis said that the normal events will continue and if time allows more can be implemented. Ms. Lewis discussed a new art walk to incorporate the Hawksbill Greenway, murals, and historic buildings and landmarks. She discussed a new postcard for the art walk that will have a code for your smart phone. She said that the postcard printing will be donated and that hopefully the project will be complete by fall. Ms. Lewis confirmed that a representative from Virginia MainStreet will be coming to discuss economic development strategies. She invited all Council members to attend. She also noted that a retail consultant will be in town that week as well. Lastly, she reminded everyone of the upcoming events with the Triathlon this weekend.

Luray/Page County Chamber of Commerce

Ms. Briana Campbell reviewed the statistics for July, citing 412 local calls, 329 local walk-ins, 429 tourist calls, and 2257 tourist walk-ins. Ms. Campbell said that the next event is the Business Networking Lunch and the theme will be "Page County Grown". Ms. Campbell said that August has been declared "Page County Grown Month" by the Page County Board of Supervisors. She advised that tickets are on sale for the first farm tour that will be held on August 27th. She said that this will be the first tour of the certified farms. She added that a separate event will take place later that evening with a dinner at the Mimslyn. Ms. Campbell added that she hopes this will become an annual event. The next Business After Hours will be at the Shenandoah Speedway on Thursday, August 18th. She said that another Social Media Workshop will be held on August 23rd and that this will be an advanced course. Ms. Campbell discussed the Triathlon coming up this weekend and added that the chamber is helping with packets and is creating a special dining web page for athletes. She added that the chamber is also assisting with lodging needs for visitors of the event. Lastly, she noted that the visitors guide has gone to the printers and that she hopes to provide copies at the next meeting.

Airport Commission

Mr. Powell Markowitz advised Council members that four hangar units remain open for lease. Mr. Markowitz advised that he had nothing further to report. Mayor Presgraves said that Council will reconvene with Mr. Markowitz later during the Executive Session.

DEPARTMENTAL REPORTS

POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES

Lieutenant Wayne Petefish was present for the meeting in the absence of Chief Campbell. Lt. Petefish said that the monthly report had been provided for Council. He said that he had nothing further to report and added that August is one of the busiest times for the department with events. He said that all went well with last weekend's bike race. Mayor Presgraves agreed that there were many events coming up including the triathlon and fair week.

PARKS AND RECREATION

Pat O'Brien, Director of Parks and Recreation, handed out some triathlon gifts/souvenirs. Mr. O'Brien reiterated that the Luray Triathlon is coming up this weekend. He noted an interesting fact that the former Mayor of the District of Columbia, Adrian Fenty, is registered for this year's event. He said that the Luray Criterium race this past weekend went well and hosted about 200 participants. Mr. O'Brien thanked Mayor Presgraves for coming out to greet the participants. Also, he thanked the public works and police departments and LDI for their help with the event. Mr. O'Brien said that a pre-race clinic was also held at Lake Arrowhead this weekend. Mr. O'Brien said that Saturday's triathlon has 700 athletes registered, with about 600 participants registered for Sunday. Mr. O'Brien said that Mr. Glover held a pre-event meeting this afternoon with staff as part of the planning stages of the event.

Mr. O'Brien distributed a proposed Field Usage Fee Schedule and noted that he along with staff and legal counsel has worked to compile the document. He said that the generic application for the use of building and grounds has now been revised. He said that many requests are coming in to use the new facilities at the recreation park. This fee schedule would help the town recover some of the costs associated with the improvements there. Councilwoman Menefee asked if other localities were compared when coming up with these proposed fees. Mr. Black said that these amounts came from what town staff believes are the expenses incurred by the town. Mr. O'Brien advised that there will be no charges for Page County Public Schools, Page County Recreation Department, Luray Little League, and Luray Midget League. Mayor Presgraves asked how this schedule relates to the usage of the concession stands. Mr. Black said that this is for short term rental use of the fields. He added that a long term agreement for the concession stands has yet to be determined. Mr. O'Brien said that this fee schedule is somewhat of a starting point to help recover some costs, especially with the volume of requests for usage. Mayor Presgraves stressed that the town must be very cautious in allowing other organizations to operate under the town's health permit. Councilman Schiro added that he does not feel the proposed charges are high enough. Mr. Schiro reminded that the town has debt service payments on this facility, maintenance costs, and employee labor costs. He said that with the concession stands many other factors need to be considered. Councilman Arrington inquired about the amount of employee overtime that is being used to manage these types of events. Mr. O'Brien said that this document can be seen as a starting point for the remainder of the year; as opposed to having no fees in place. Mr. O'Brien said that other localities were compared in looking at these fees and that many different methods are utilized. Mr. Black reminded that no other localities have a comparable field; but that we do not want to set prices so high that the fields go unused. Councilman Arrington said that quite a bit of work has been done already and he suggested using this schedule for a while and see what happens. Assistant Town Manager, Bryan Chrisman, added that two of the locations he checked are not charging

any fees. Councilman Schiro stated that those fields are not holding a note for a million dollars on their facility either. Mayor Presgraves clarified that these proposed charges are per field. Mayor Presgraves continued that it is important to use the fields but that we don't want to create a deficit by operating them. He said that he is aware that these events bring economic development to our entire community, but we need to be sure we are comparable to other facilities. Councilwoman Menefee agreed with Councilman Arrington that staff should proceed with this document for now. Council and staff discussed looking at the document further during the winter months to decide on cost revisions. Town Attorney, Jason Spitler, said that nearby communities will likely create the most economic impact. Town Attorney Jason Spitler said that there are additional forms for insurance and other matters that the town should consider as well. Mayor Presgraves advised Mr. O'Brien to go forward with using this fee schedule and see what happens.

Councilwoman Menefee commended Mr. O'Brien and his staff on their work with the recent tournament that was held. Mayor Presgraves added that all of the town events take a great deal of effort to put on. Mr. O'Brien added that events such as the upcoming triathlon take a great deal of planning to put together each year. Councilman Vickers noted that with all these events taking place on the weekends, how does this impact staffs overtime hours. Mr. O'Brien said that staff is paid overtime or comp-time, with additional resources provided by volunteers and community service efforts.

PUBLIC WORKS DEPARTMENT

Lynn Mathews, Superintendent of Public Works, said that the department repaired six water leaks, responded to five sewer calls, and continues work on the storm drainage program. Mr. Mathews said that upcoming projects for his department will include road repairs, paving and patching, roadside trimming, sign replacements/consolidations, and displaying flags for Labor Day. He advised that a town brush collection is scheduled for August 25th and 26th.

WTP AND WWTP

Charlie Hoke, Director of Utilities, stated that the Water Treatment Plant is running well and is operating as designed. He stated that all distribution samples came back negative. Mr. Hoke said that he has submitted his comments for the health departments permit on the facility. Mr. Hoke also discussed sampling requirements for surface water influence as required by the Clean Water Act.

Mr. Hoke said the Wastewater Treatment Plant is operating well and that the facility is meeting its permits. He advised that the new replacement pump is operating as designed. He added that there will be about a three to four month waiting period for the remainder of the pumps to be installed. Mr. Hoke said that the delay was due to the manufacturing time. He noted that Faulconer Construction is trying to speed up this process. Mr. Hoke advised Council that staff is still withholding the remainder of the funds for the project until this matter is resolved. Lastly, Mr. Hoke advised Council that the wastewater plant is in full compliance.

PLANNING

Town Planner, Ligon Webb, first discussed items for the Planning Commission's August agenda and noted that the meeting date had been moved back one week. The date of the meeting was moved back

in order to accommodate the public hearing on a special use permit request from United Propane Gas. The request is for a propane gas storage facility in a M1 Industrial Zoned Parcel. The proposed location is to be located on Stoney Brook Lane in the Luray Industrial Park which is owned by the Page County Economic Development Authority.

The second item on the Commission's agenda will be Luray's VDOT 6 Year Improvement Plan. Mr. Webb said that he has sent in the town's request for review by VDOT and hopes to reconvene on this in late September. Mr. Webb hopes that this meeting will provide more insight into the actual cost figures.

The third item before the Luray Planning Commission will be a request from Mr. Chris Ramsey for a friendly boundary line adjustment with Page County. Mr. Ramsey owns three parcels on Atkins Drive, with two of those being located in Page County. He said that the remaining parcel is located within the town and Mr. Ramsey wishes to request a boundary line adjustment. Mr. Webb said that a draft boundary line adjustment agreement is being prepared by the Town Attorney and that this draft will be reviewed at the work session meeting. Councilman Arrington questioned the two properties within the county must first be made one parcel. Both Mr. Webb and Mr. Spitler agreed that they see no reason why this would be necessary.

Mr. Webb said that the last item before the commission at the August meeting would be concerning the East Luray Monument. Mr. Webb said that the bids for the monument repairs are due next Wednesday and he believes several bids will be received.

OLD BUSINESS

Town Manager, Rick Black, stated that there were no items to be covered under Old Business.

NEW BUSINESS

Town Seal

Town Manager, Rick Black, advised Council that the Mayor has approached him about the current town seal and what is sometimes used as the town seal. The Mayor has proposed that we change the current year and adopt the revised version. Councilman Schiro stated that he would like to see it changed entirely. Mr. Schiro said the newer version is certainly an improvement; however he would like to see the entire thing changed. Councilwoman Menefee stated that Council and staff could not randomly change the town seal. Mr. Schiro said there is some history behind it however, it can still be changed. Mr. Black said he recalled this being a school contest of some sort to design the seal many years ago. Mr. Schiro said that in the interim he would not be opposed to the newer version of the seal. Mayor Presgraves suggested perhaps still conducting a contest at a later date; however, he would like to see us do away with this old version. Councilman Vickers suggested a contest for the bicentennial to design a new logo. Councilwoman Menefee continued that she did not want to see the seal arbitrarily changed. Mr. O'Brien also agreed that he was under the impression that the seal was a school contest of some sort. **Motion:** Councilman Schiro motioned to change the town seal as recommended by the Mayor,

motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro. NAY: Racer. **Approved 5-1**

TOWN ATTORNEY

Town Attorney, Jason Spitler, provided a few matters of business for approval by the Council. He stated that these items had been previously discussed at the work session. He said that the first matter relates to the Luray Tree and Beautification Committee and the other matters are in reference to zoning and subdivision ordinances that have been previously approved by matter of principle. He said that a public hearing was held some time ago with no objections.

Motion: Councilman Arrington motioned to approve the appointment of Layne Vickers to the Luray Tree and Beautification Committee, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Motion: Councilman Racer motioned to approve the five subdivision and zoning ordinance amendments, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

EXECUTIVE SESSION

Investment of Public Funds, Section 2.2-3711.A.6 – *Luray Airport* Legal Consultation, Section 2.2-3711.A.7 – *Actual /Probable Litigation*

Town Attorney, Jason Spitler, requested a motion to adjourn into Executive Session for the purpose of discussing Section 2.2-3711.A.6 and 2.2-3711.A.7.

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

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

Mayor Presgraves asked members of Council to certify that to the best of their knowledge only matters covered under Sections 2.2-3711.A.6 and 2.2-3711.A.7 were heard, discussed, or considered during the closed session. **The roll was called with all members certifying “Yes”.**

Mayor Presgraves asked Council if they would like to take action on the matters covered under Executive Session. **Motion:** Councilman Schiro motioned to accept the DOAV Grant jointly with Page County for the installation of a jet fuel tank at the Luray Airport with the condition that matching funds be provided by an outside party; Councilman Lancaster seconded the motion with the following

members voting YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer.
Approved 6-0

ADJOURN

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 8:40 P.M.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer