

**A REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF LURAY, PAGE COUNTY, VIRGINIA
Monday, May 10, 2010**

The Luray Town Council met in regular session on Monday, May 10, 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
Page Campbell, Chief of Police
Lynn Mathews, Superintendent of Public Works
Charlie Hoke, Director of Utilities
Pat O'Brien, Director of Parks and Recreation
Planning Commission Members
Powell Markowitz, Luray Page County Airport Commission
Briana Campbell, Luray Page County Chamber of Commerce
Liz Lewis, Luray Downtown Initiative
Ken Beyer, Luray Hawksbill Greenway Foundation
Tony Elar, Yellow Cab of the Shenandoah 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 and then recited the United States Pledge of Allegiance.

CONSENT AGENDA

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

Consent Agenda

- A) *Minutes of April 12, 2010 Regular Council Meeting.*
- B) *Minutes of April 27, 2010 Work Session.*
- C) *Financial Report for the period April 1 –30, 2010.*
- D) *Accounts payable checks totaling \$152,986.69*
- E) *Final Payment of the AWOS/ Beacon Project in the amount of \$ 3,866.30.*

PUBLIC HEARINGS

Proposed FY 2010-2011 Budget

Town Manager, Rick Black, presented information on the public hearing for the FY 2010-2011 Budget. Mr. Black stated that Pursuant to the Code of Virginia, Section 15.2-2503 and 15.2-2506, notice is hereby given that a public hearing is to be held in the Town Council Chambers at 7:00pm on May 10, 2010. At this time any citizen of the Town of Luray shall have the right to attend and state their written or oral views of the proposed budget for the Fiscal Year July 1, 2010 – June 30, 2011. The entire proposed budget can be inspected at the town office during normal business hours. Mr. Black emphasized that the town budget cannot be approved until at least seven days following this public hearing. Mr. Black displayed the budget summary and noted an overall decrease of 8.3 million dollars due to the finalization of the two major construction projects of the town. Mayor Presgraves opened the public hearing for citizen comment. With no one present to speak on the issue, the hearing was closed. Mr. Black stated that the proposed budget would be voted on at the June Council Meeting.

Wineries and Microbreweries

Ligon Webb, Town Planner, stated that the public hearing is to receive comments and to consider the proposed amendment to the town's zoning ordinance to include the definitions for "Small Winery Operation" and "Microbrewery". Mr. Webb read aloud the proposed definitions and stated the areas of the town code that would be amended. Mr. Webb explained that the planning commission has approved these amendments and that the changes could be used as a possible marketing tool. Mayor Presgraves opened the public hearing for the proposed amendments to the Town zoning ordinance. With no comments from the public, the hearing was closed. **Motion:** Councilman Schiro motioned to approve the amendments to the zoning ordinance to include the definition for Small Winery Operation and Microbrewery as discussed, motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

GENERAL CITIZEN COMMENTS

Betty Grubbs- Wilson Avenue, Luray

Ms. Grubbs stated that there is a problem with pigeon infestation near her home. She stated that Officer Brice had reviewed the situation and said that there was no ordinance in place to remove them. Ms. Grubbs asked Council what can be done about this. Councilman Lancaster stated that this problem is a health hazard and that it would be taken care of. Ms. Grubbs was appreciative of the help received from Officer Brice. Mayor Presgraves asked if the source of the problem was in her neighborhood. Ms. Grubbs stated that she appreciates any help with the problem. Mayor Presgraves said that Councilman Lancaster would be in charge of taking care of this.

Ken Beyer, Luray Hawksbill Greenway Foundation

Mr. Beyer stated that he is pleased to report that the Luray Hawksbill Greenway Foundation is now a valid 501C3 corporation.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Liz Lewis stated that she would be filling in for Catherine Stewart this evening. Mayor Presgraves stated that it was a nice festival on Saturday. Ms. Lewis said that the festival had approximately 125 total vendors and discussed the various ways the festival was advertised. Also, Ms. Lewis said that the first merchant coop of advertisements was published in the Page News and Courier. She said that the next event for LDI would be the upcoming concerts on main.

Luray Page County Chamber of Commerce

President of the Chamber, Briana Campbell, stated that total membership is now up to 412. She said that all numbers were up in comparison to last year; this includes walk-ins and phone calls. Ms. Campbell said that even though 2010 directory was just wrapped up, work is already beginning on the 2011 Visitor Guide. Also, she said that the chamber hours will be extended until 7:00pm on Friday and Saturday. Ms. Campbell said that the next event for the chamber will be the Social Media workshop which will feature a guest speaker. Lastly, she thanked everyone for the warm welcome.

Luray Page County Airport Commission

Mr. Powell Markowitz advised Council that there are currently nineteen hangars rented. He said that Mr. Painter is meeting with a mechanic today and will report back to him tomorrow on this meeting. Mayor Presgraves stated that according to his records, 6 more hangars must be rented in order to break-even.

Mr. Markowitz said that the AWOS/Beacon project is substantially complete. The only remaining items are some paperwork with the FAA. Mr. Markowitz said that land negotiations are still continuing.

DEPARTMENTAL REPORTS

POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES

Chief Page Campbell stated that there were 75 arrests for the month of April 2010 and 224 total calls for service. He noted that the criminal arrests for petit larceny stemmed from the 33 total charges from the March spree of vehicle break-ins.

Chief Campbell discussed the Festival of Spring and emphasized that the roads had to be shut down earlier than 7:00am for vendors to set-up. Chief Campbell and Pat O'Brien both agreed that the roads will need to be shut down earlier next year.

PARKS AND RECREATION

Pat O'Brien, Director of Parks and Recreation, thanked Lynn Mathews and his staff and also the police staff for all of their help with the festival. Mr. O'Brien said that it was about a 12-15 hour work day for these employees. Mr. O'Brien said that despite the very windy conditions things went very well. He emphasized that with everyone working together things went very smoothly.

Mr. O'Brien said that the next event will be the May 28th summer concert.

Mr. O'Brien said that the softball project is moving along very well.

PUBLIC WORKS DEPARTMENT

Lynn Mathews, Superintendent of Public Works, stated that the department repaired two water leaks and had been checking hydrants. Also the department responded to seven sewer calls and made one new sewer tap this month. Upcoming projects for his department include storm drainage work, roadside cleanup, sign repair, and displaying flags.

WTP AND WWTP

Charlie Hoke, Director of Utilities, said that all samples came back negative and that the water plant was operating as designed. Mr. Hoke said that the new system was a pleasure to work with. He stated that some punch list items are still being completed as well as yard work.

Mr. Hoke advised Council that the wastewater treatment plant was all compliant and that construction is proceeding as planned. Mr. Hoke said that completion date is scheduled for September 2, 2010.

PLANNING

Mr. Webb told the Council that Mr. Peyton Baughan will not be returning to the Planning Commission. Mr. Webb stated that Mr. Baughan had served on the commission since 1964 and that his term was the

second longest held on a planning commission within the state of Virginia. Mr. Webb recognized that Mr. Baughan holds a great deal of knowledge for the commission and that he is sad to see him leave.

Mr. Webb said that the Virginia Planning Conference has been confirmed for Luray this fall. The BB&T center for the performing arts will be utilized.

Mr. Webb reported on the sign ordinance amendments and stated that it now reads easier and makes more sense to all.

Lastly, Mr. Webb stated that he would like to see the definition for pool rooms/billiards added to the town code.

OLD BUSINESS

Councilman Menefee stated that he does not think that alcohol on the Greenway is a good idea for many reasons. Councilman Menefee moved that alcohol on the Greenway not be allowed. Councilwoman Shifflett stated that she never intended for there to be alcohol on the Greenway but was referring to the Ruffner Plaza area which is private property. Councilman Racer asked for Mr. Menefee to clarify the motion. Town Attorney, Jason Spitler, said that he does not know if any distance requirements from the Greenway exist. Mr. Spitler reminded that Council can prohibit this on town property but there are only a few steps that can be made to prohibit on private property. Mr. Spitler also said that the original thoughts were to have a charitable organization make use of the sale of alcohol for their purposes. Also, he said that a special event license would be necessary. Mr. Spitler reminded that it has always been the town's position that the Greenway is a family place and he is not sure how compatible the two issues are. Councilman Arrington stated that he does not feel this is in the best interest of nearby business owners who sell alcoholic beverages. Councilman Schiro stated that he has no problem with Mr. Menefee's motion but reminded that there is no authority to control on private property. Mr. Spitler suggested that the motion be clarified. Chief Campbell stated that events on the Greenway are promoted as family events. He said that there is just no way to control this sort of thing and that his intentions are not to offend anyone. Chief Campbell stated that he would object to any special event ABC Board license put before his review on this issue. Town Attorney, Jason Spitler, said that it appears that the downside/liabilities on this issue are far greater than any upside. Councilwoman Shifflett emphasized that she has never wanted anything to be sold on the Greenway and that she only asked for discussion on this topic on behalf of LDI.

Motion: Councilman Menefee motioned that there be "No Sale or Consumption of Alcohol on the Greenway", motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro. NO: Racer. **Approved 5-1**

NEW BUSINESS

Yellow Cab of the Shenandoah, LLC

Town Manager, Rick Black, stated that in accordance with the Town Code, the Town Council must approve rates for taxis. He said that Tony Elar the owner of the company is here if Council has questions for him. Mayor Presgraves stated that he feels this is a good service and clarified that all fare increases must come before Council for approval. Mr. Tony Elar, Yellow Cab of the Shenandoah LLC owner, stated that he is based in Warren County and has independent operators that lease cabs from his company. He said that his plans are to place one cab in the Town of Luray for now. Mr. Elar hopes to bring a good service to the town. Also, Mr. Elar stated that he is not a franchise of the Yellow Cab Company. Mr. Black stated that Mr. Elar will need to make an appointment to talk with the Council and Chief of Police. **Motion:** Councilman Lancaster motioned to approve the rates for Yellow Cab of the Shenandoah LLC as presented, motion seconded by Councilman Menefee with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Personal Property Tax Relief

Mr. Black advised Council that every year the locality must vote to established the relief rate on personal property. The rate is currently at 100% for any vehicle valued at under \$20,000; any vehicles over \$20,000 do not receive tax relief. **Motion:** Councilman Racer motioned to approve the rate of 100% on personal vehicles valued under \$20,000 as discussed, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

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

Legal Matters, Section 2.2-3711.A.7 (*Fielders Choice*)

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing Section 2.2-3711.A.7. **Motion:** Councilman Racer motioned to recess the regular session and to convene in executive session; Councilman Schiro seconded the motion with the following members voting YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, and Racer. **Approved 6-0**

Motion: Councilwoman Shifflett 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 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”.**

Changes or Additions to the Agenda

Mr. Black said that he has information on a class action lawsuit regarding Verizon. The decision is whether or not to join in the efforts. Verizon is requesting that the State Corporation Commission lower the value of their personal property by approximately 54%. Town Attorney, Jason Spitler, said that it is not in the best interest of the Town to join in these efforts.

Mr. Black stated that he has received a FOIA request from a law firm in Richmond regarding an incident at 303 Ninth Avenue. In February 2010 the residence sustained a sewer backup causing damages that the owner estimates at approximately \$50,000. Mr. Black said that VML Insurance has determined that the Town is not at fault.

ADJOURN

Before adjourning the meeting, Mayor Presgraves said that he has received invitations to both the Stanley 4th of July Parade and the Memorial Day Parade in Shenandoah. Mr. Black reminded Council of the town section of the VML Towns meeting. Councilman Arrington questioned why he and Councilman Lancaster were no longer being invited to the Airport Commission meetings. Also, he stated a concern over Mr. McKeehan’s cost to attend these meetings.

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 8:54 P.M.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer