

**MINUTES OF A TOWN COUNCIL WORK SESSION  
TOWN OF LURAY, VIRGINIA  
Tuesday, June 28, 2011**

The Luray Town Council met in a work session on Tuesday, June 28, 2011 at 5:30 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 (*present after roll call*)  
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  
Chase Suddith, Town Intern  
Bryan and Deborah Winter -106 Cave Street, Luray

The meeting was called to order by Mayor Barry Presgraves and everyone recited the Pledge of Allegiance to the flag.

**Changes or Additions to the Agenda**

The roll was called and Councilman Racer requested to discuss the Wastewater Treatment Plant claim. Town Manager, Rick Black, requested that Council discuss a request from the Northern Shenandoah Valley Regional Commission. Mr. Black also asked to change the order of the agenda and allow the Town Attorney to provide his report immediately after the public hearing. Mr. Black said that Mr. Spitler will need to leave the meeting early, due to another commitment.

**Public Hearing: Amendment to the 2010-2011 Budget**

Town Manager, Rick Black, stated that a public hearing had been advertised for tonight's meeting regarding the FY 2010-2011 Budget Amendment.

The purpose of the Amendment to the 2010-2011 Budget is to: 1) Incorporate funding, not to exceed \$178,229.07 from the USDA Rural Development Loan that the Town secured on November 17, 2010 to offset expenditures incurred in the Town's Water Treatment Plant Project 2) Incorporate funding, not to exceed \$7,363.90, from the Town's General Fund to offset expenditures incurred in the Town's Downtown Revitalization Project.

Mayor Presgraves opened the public hearing for citizen comment. With no comments from citizens, the public hearing was closed. **Motion:** Councilman Racer motioned to approve the FY 2010-2011 Budget Amendment as presented, motion seconded by Councilwoman Menefee with the vote as follows: YEA: Council Members Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 5-0**

### **Town Attorney Report**

Town Attorney, Jason Spitler, said that revisions had been made to the Noise Ordinance based on comments from the last Council Meeting. Mr. Spitler reviewed the ordinance and noted the exceptions to the ordinance that could be found on page three of the document. Councilman Racer questioned the language that described obtaining a permit from the town. Mr. Spitler explained that this refers to licensed businesses who have obtained an annual business permit. These institutions would be exempt from the regulations; for example an event being held at the Mimslyn would be exempt since they are a licensed business operating within the town. Mr. Spitler said that the ordinance provides a “blanket permit” for licensed businesses.

Mr. Spitler also explained to Council members that the criteria for violating the Noise Ordinance would be based on a distance measurement. He explained that using a decibel level measuring system is too difficult to distinguish and require costly equipment. Councilman Schiro reminded Council members that this ordinance is utilized only on a complaint basis. He also agreed that decibel meters are expensive, require training, and require continual maintenance/calibration. Mr. Schiro stated that this ordinance provides the town police with a basis for enforcement. Councilman Vickers said that it may be questionable what is considered loud to some but not others.

Town Manager, Rick Black, told Council that this ordinance meets what the Virginia Supreme Court has ruled on. Town Attorney, Jason Spitler, said that there has to be some form of measurement criteria; whether it is distance or decibel level. The distance requirement seems to be the best form of measurement. Also, Mr. Spitler said that this ordinance was modeled after the ordinance of Blacksburg, Virginia.

Mr. Spitler said that since Council does not usually take action on items in a work session, he will ask for a vote on the ordinance at a later meeting. Councilman Schiro suggested asking Chief Campbell to speak on this issue at the next Regular Council Meeting.

Councilman Racer asked Mr. Spitler about the Water Treatment Plant claim and inquired about the outcome. Town Attorney, Jason Spitler, advised that basically a claim was filed because the contractor was delinquent in completing the project in accordance with the deadline. Mr. Spitler advised that a final payment was made to the contractor per the terms of the settlement and the claim has been dismissed.

### **Town Planners Report**

Town Planner, Ligon Webb, stated that he has received a request from Bryan and Deborah Winter, 106 Cave Street, to establish an Accessory Dwelling Unit in a R2 Zoning District. Mr. Webb said that while the structure is an ideal space for an ADU, the ordinance does not provide for these units in the R2 zoning district. Mr. Webb stated that the owners do not have a separate existing water or sewer tap for

the ADU and are aware of the requirement to establish such. Mr. Webb stated that this matter would require a special use permit and review by the Luray Planning Commission. Councilman Schiro expressed concern that this process must first begin with the Planning Commission and follow due procedures. Mr. Webb stated that his intention was to inform Council of this request and that he agrees with Councilman Schiro. Mr. Webb said that the Planning Commission will meet in a few weeks and will review the applicant's request.

Mr. Webb included in Council's packet a draft of the Request for Proposal for Rehabilitation of the East Luray Monument. Mr. Webb asked Council to review the document and noted that the Town Attorney has already reviewed the draft. Mr. Webb said that if Council is inclined to proceed, he will advertise the request for proposal. The advertisement will be placed in the local newspaper and will also be posted in a publication for historic works. Mr. Webb reminded Council that he has been working with a restoration group from Richmond and that they will likely submit a bid.

Councilman Lancaster inquired about the purpose of "core drilling". Town Manger, Rick Black, said that this would determine if the monument was placed on fill dirt/material or any other substance that may be underneath the foundation. Councilman Racer said that this procedure is a good engineering practice. Council agreed that the RFP should be publicized for bid. Councilman Racer suggested that this process should move forward in order to allow the repairs to begin before the effects of cold weather.

### **Airport: Grant Amendments**

Town Manager, Rick Black, discussed an Airport Grant Amendment stating that there would be no out-of-pocket funds from the Town. He advised Council that this was not an action item for the evenings meeting, but will need a vote at the next regular meeting. Mr. Black advised that the airport is still negotiating with Baker Development. Councilman Racer asked if this amendment extends the town's obligations to the airport. Mr. Black replied that every time a change is made to the agreement the contract is extended.

### **Shentel Temporary Cell Tower**

Town Manger, Rick Black, advised Council of a request from Shentel to utilize a temporary cell tower at the Page County Heritage Festival this fall. Mr. Black included information in Council's packets for their review and explained the structure. Councilman Schiro said that Council should be cautious in regards to the Federal Telecommunications Act. Councilman Racer questioned why there was a need for this type of structure. Mr. Black said that he would be glad to invite Shentel representatives to the next meeting so that they may further explain their request and that he would ask the Town Attorney to research any possible telecommunications issues.

### **Line of Duty Act**

Town Manager, Rick Black, advised Council that more information is now available on the Line of Duty Act. Mr. Black said that he has been contacted by Page County and they have agreed not to charge the towns a prorated share of the cost of coverage. Mr. Black would like for Council to vote on the acceptance of this offer. **Motion:** Councilwoman Menefee motioned to accept the offer from Page

County to fund 100% of the cost of the Line of Duty Act coverage, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Mr. Black told Council that they would now need to amend the town code that states the rescue squad and fire department are part of the Official Safety Program of the town. This must be rescinded in order to relieve the town's liability for the LODA coverage. **Motion:** Councilman Lancaster motioned to rescind the fire and rescue portion of the Town's code, motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Mr. Black verified that this is a VRS policy and explained the differences in coverage of previous incidents for both the VRS and VML policies. Mr. Black said that the decision was made to go with this policy to avoid the town's exposure from previous incidents.

### **Changes or Additions to the Agenda**

#### **NSVRC- RideSmart Sign Project**

Town Manager, Rick Black, said that he has been contacted by Rhonda Turman from NSVRC regarding the RideSmart sign project. Mr. Black said that this helps localities in suggesting carpooling for area commuters. NSVRC would be responsible for all maintenance and updates to the sign. Assistant Town Manager, Bryan Chrisman, said that Front Royal has implemented the signs and that NSVRC is working with other areas as well. He said that NSVRC is mainly working with localities that have lost their ride sharing program due to funding. Councilman Vickers said that he does not mind this since Page County is no longer funding the ride sharing van. Councilman Lancaster said that he does not want to see any more signs. Councilwoman Menefee said she does not have any objections to this. Councilman Lancaster said he would prefer adding informational material to the existing kiosks. **Motion:** Councilwoman Menefee motioned to approve the NSVRC RideSmart Sign Project, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Schiro, Racer. NAY: Lancaster. **Approved 5-1.**

#### **Bicentennial**

Town Manager, Rick Black, handed out logo samples to Council members that were provided by Liz Lewis of LDI. Councilwoman Menefee said she prefers there be no black coloring on the design. Mayor Presgraves agreed and said that he prefers the logo match the color scheme on the Bicentennial website. Mayor Presgraves also suggested incorporating the Bicentennial design into stationary and other items.

#### **Announcements**

Mayor Presgraves reminded Council of the employee picnic on Friday. Mayor Presgraves commended Bryan Chrisman and Ligon Webb for their work on achieving the award for Best Historic Project for the Luray Train Depot. Mayor Presgraves displayed the Golden Award received by the Town. Mayor Presgraves reminded Council members of the Stanley Homecoming Parade and noted that the parade

begins at 6:00pm with the reception at 4:00pm. Lastly, he reminded everyone of the Bluegrass Festival at Luray Caverns on July 2, 3, 4 and the Town of Luray 4<sup>th</sup> of July festivities on Monday, July 4<sup>th</sup>.

### **Adjourn**

There being no further business, Mayor Presgraves adjourned the work session of the Town Council at approximately 6:43 pm.

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Barry Presgraves  
Mayor

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Danielle P. Babb  
Deputy Clerk-Treasurer