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# NOTICE

Pursuant to Section 15.2-1418 of the Code of Virginia, as amended, the Mayor of the Town of Luray does hereby call a special meeting of the Luray Town Council for Tuesday, September 25, 2018, at 5:30 p.m. The meeting will be held in the Council Chambers of the Luray Town Offices located at 45 East Main Street in Luray VA.

The following matters will be considered at the meeting:

**LURAY TOWN COUNCIL**  
September 25, 2018 – 5:30 p.m.

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## SPECIAL MEETING AGENDA

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- |  |                   |
|--|-------------------|
| <b>I. CALL TO ORDER</b>                                | Mayor Presgraves  |
| <b>II. PLEDGE ALLEGIANCE TO THE U.S. FLAG</b>          | Mayor Presgraves  |
| <b>III. ROLL CALL</b>                                  | Danielle Babb     |
| <b>IV. ACTION &amp; DISCUSSION ITEMS</b>               |                   |
| A) Collins Avenue, LLC Subordination Agreement         | Steve Burke       |
| B) Christmas Parade Route                              | Steve Burke       |
| <b>V. RECESS</b>                                       |                   |
| <b>VI. CLOSED MEETING</b>                              |                   |
| A) Assignment of Specific Employees of Any Public Body | Councilman Schiro |
| <b>VII. ADJOURN</b>                                    |                   |

*Version Date: September 18, 2018 9:00 a.m.*

Town of Luray  
PO Box 629  
45 East Main Street  
Luray, VA 22835  
[www.townofluray.com](http://www.townofluray.com)  
540.743.5511



**Mayor**

**Barry Presgraves**  
150 Collins Avenue  
Luray, VA 22835  
Term: 2017-2020

**Council Members**

**Leroy Lancaster**  
112 Reservoir Avenue  
Luray, VA 22835  
Term: 2017-2020

**Joey Sours**  
525 Atkins Drive  
Luray, VA 22835  
Term: 2017-2020

**Leah Pence**  
51 W Main Street  
Luray, VA 22835  
Term: 2017-2020

**Jerry Schiro**  
142 Leaksville Road  
Luray, VA 22835  
Term: 2014-2018

**Jerry Dofflemyer**  
295 Heritage Drive  
Luray, VA 22835  
Term: 2015-2018

**Ronald Vickers**  
6 Lewis Street  
Luray, VA 22835  
Term: 2014-2018

**Town Officials:**

Town Manager – Steven Burke  
Assistant Town Manager- Bryan Chrisman  
Planning & Zoning – Brooke Newman  
Town Clerk/ Treasurer- Mary Broyles  
Deputy Town Clerk/ Treasurer- Danielle Babb  
Chief of Police- Bow Cook  
Superintendent of Public Works- Lynn Mathews  
Parks & Recreation Director- Pat O'Brien

**Commissions & Committees:**

Luray Planning Commission  
Luray-Page County Airport Commission  
Luray Tree and Beautification Committee  
Luray Board of Zoning Appeals  
Luray Downtown Initiative  
Luray-Page County Chamber of Commerce



**Town of Luray, Virginia**  
Council Agenda Statement

Item No: IV - A

Meeting Date: September 25, 2018

Agenda Item: COUNCIL CONSIDERATION  
Item IV-A – Collins Avenue, LLC – Subordination & Consent to Transfer Agreement

Summary: Council is requested to consider a Subordination & Consent to Transfer Agreement involving 29.54 acres of property located off of Collins Avenue that currently maintains a \$449,002.68 Performance and Completion Bond to the Town by the property owners for public improvements (roads, water, and sewer). The primary ownership of the property is transferring from Llewellyn of Virginia, LLC to Collins Avenue, LLC. In addition, the bond amount will be increased to \$476,920.68.

As presented, the Town's interest is second to a lien of up to \$600,000 to Reed & Reed, P.C.

The Town Attorney has reviewed and approved the agreement as to form, and as to protecting the Town's interests. Due to a need to advance closing on the property, the agreement was executed by the Mayor on September 12<sup>th</sup> so that a "dry" closing could occur. The agreement involving the Town was to be held in escrow by the attorney representing Collins Avenue, LLC until such time that Town Council acted and approved the agreement.

Council Review: N/A

Fiscal Impact: N/A

Suggested Motion: I move that Town Council approve the Subordination & Consent to Transfer Agreement as presented and authorize the Mayor to execute the agreement.

*This instrument was prepared by David M. Reed, Esq. (VSB #86890).  
Tax Map Number: 42A5-(A)-80C*

## **SUBORDINATION & CONSENT TO TRANSFER AGREEMENT**

THIS SUBORDINATION & CONSENT TO TRANSFER AGREEMENT, made and entered into this 11<sup>th</sup> day of September, 2018, by and between the **TOWN OF LURAY**, a Virginia municipal corporation, GRANTOR/PARTY OF THE FIRST; and **MARK N. REED**, as sole acting Trustee, GRANTOR/PARTY OF THE SECOND PART; and **COLLINS AVENUE, LLC**, a Virginia limited liability company, GRANTEE/PARTY OF THE THIRD PART, and **PIONEER BANK**, GRANTEE/PARTY OF THE FOURTH PART; and **LLEWELLYN OF VIRGINIA, LLC**, **ASHBY LANE, LLC**, and **THE LLEWELLYN COMPANY, LLC**, GRANTEES/PARTY OF THE FIFTH PART.

WITNESSETH:

WHEREAS, Ashby Lane, LLC, Llewellyn of Virginia, LLC, and The Llewellyn Company, LLC, granted that certain deed of trust dated September 4, 2008, to Mark N. Reed and Jason Spittler, as Trustees, either of whom may act independent of the other, covering certain real estate located off Collins Avenue in the Town of Luray, Page County, Virginia containing 29.5363 acres, more or less, as more particularly shown on that certain survey plat entitled "Plat Showing Administrative Division The Property of Linda S. Nash" prepared by Leonard Surveys, Inc., of Warrenton, Virginia, dated December 10, 2004 (hereinafter "Property"), to secure the Town of Luray the payment of those certain obligations under a certain Guaranty of Performance and Completion Bond and Agreement dated September 4, 2008, in the amount of \$449,002.68, which

instrument is of record in the Clerk's Office of the Circuit Court of Page County, Virginia, ("Clerk's Office") as Instrument Number 2008-3000; and

WHEREAS, Ashby Lane, LLC, Llewellyn of Virginia, LLC, and The Llewellyn Company, LLC, entered into that certain Amendment to Deed of Trust dated November 7, 2008, to Mark N. Reed and Jason Spitler, as Trustees, either of whom may act independent of the other, covering the Property, which amendment increased the amount secured to the Town of Luray by the aforesaid deed of trust dated September 4, 2008, to a new total amount of \$476,920.68, which instrument is of record in the Clerk's Office as Instrument Number 2009-27; and

WHEREAS, by deed of assumption dated June 10, 2010, which is of record in the Clerk's Office as Instrument Number 2010-1313, Ashby Lane, LLC and The Llewellyn Company, LLC, conveyed all their right title and interest in and to the Property unto Llewellyn of Virginia, LLC; and

WHEREAS, following the delivery of the aforesaid deed of assumption, Llewellyn of Virginia, LLC became the sole owner of the Property subject to those certain deeds of trust and any and all amendments thereto, as well as an liens and encumbrances, of record in the Clerk's Office, including but not limited to the aforesaid deed of trust and aforesaid amendment to deed of trust; and

WHEREAS, Llewellyn of Virginia, LLC is transferring the Property unto Collins Avenue, LLC, a Virginia limited liability company, as evidenced by that certain deed which is to be recorded in the aforesaid Clerk's Office contemporaneously with this instrument; and

WHEREAS, in conjunction with the aforesaid transfer of the Property to Collins Avenue, LLC, Collins Avenue, LLC has executed a certain credit line deed of trust to Reed & Reed, P.C., Attorneys and Counsellors at Law, a Virginia Professional Corporation, as Trustee, in an amount

not to exceed \$600,000.00 in principal, secured by the Property to secure Pioneer Bank, which deed of trust is to be recorded in the aforesaid Clerk's Office contemporaneously with this instrument (hereinafter "Pioneer Deed of Trust"), which deed of trust shall replace the existing the credit line deed of trust dated February 13, 2008, to Pioneer Bank in the amount of \$630,000.00 which is secured by the Property; and

WHEREAS, the Town of Luray, as present holder of all those certain obligations under a certain Guaranty of Performance and Completion Bond and Agreement dated September 4, 2008 and any amendments thereto as secured by the aforesaid deed of trust dated September 4, 2008 and aforesaid amendment to deed of trust dated November 7, 2008 has consented to the aforesaid transfers of the Property, including the transfer of the Property to Collins Avenue, LLC, and further has consented to subordinate its liens set forth in the aforesaid deed of trust dated September 4, 2008 and aforesaid amendment to deed of trust dated November 7, 2008, to the lien of Pioneer Bank set forth in the Pioneer Deed of Trust executed by Collins Avenue, LLC; and

WHEREAS, all the parties hereto desire that the Party of the First Part subordinate its liens set forth in the aforesaid Deed of Trust dated September 4, 2008 and of the aforesaid Amendment to Deed of Trust dated November 7, 2008, and all of its rights under the aforesaid Deed of Trust and Amendment to Deed of Trust to the aforesaid lien of Pioneer Bank in the principal amount not to exceed \$600,000.00 and the rights conveyed to the aforesaid Trustee under that certain deed of trust dated from Collins Avenue, LLC to secure the payment of certain obligations of Collins Avenue, LLC to Pioneer Bank in an amount not to exceed \$600,000.00 in principal, which Deed of Trust is to be recorded in the aforesaid Clerk's Office contemporaneously with this instrument.

NOW THEREFORE:

That for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and other goods and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Party of the First Part does hereby consent and agree that the liens set forth in the aforesaid Deed of Trust dated September 4, 2008 and of the aforesaid Amendment to Deed of Trust dated November 7, 2008, and all of its rights under the aforesaid Deed of Trust and Amendment to Deed of Trust are hereby subordinated to the aforesaid new lien of Pioneer Bank in an amount not to exceed \$600,000.00 in principal, and the rights conveyed to the aforesaid Trustee under that certain deed of trust dated from Collins Avenue, LLC to secure the payment of certain obligations of Collins Avenue, LLC to Pioneer Bank in an amount not to exceed \$600,000.00 in principal, which Deed of Trust is to be recorded in the aforesaid Clerk's Office contemporaneously with this instrument. Further, the Party of the First Part does hereby consent to the aforesaid transfers of the Property, including the transfer of the Property to Collins Avenue, LLC. Such transfers of the Property shall not in any way violate the prohibitions against transfers and/or sale of the Property contained in the aforesaid deed of trust dated September 4, 2008 and aforesaid amendment to deed of trust dated November 7, 2008, as more particularly set forth therein.

The Party of the First Part hereby directs the aforesaid Trustee, Mark N. Reed, to join in this Agreement to consent to the provisions of this Agreement in his capacity as the sole acting Trustee under the aforesaid Deed of Trust dated September 4, 2008 and of the aforesaid Amendment to Deed of Trust dated November 7, 2008, and the aforesaid Trustee does hereby join in this Agreement for that purpose.

WITNESS the following signatures and seals.

**TOWN OF LURAY, VIRGINIA**  
*a Virginia Municipal Corporation*

By:   
**Barry A. Presgraves**  
**It's Mayor**

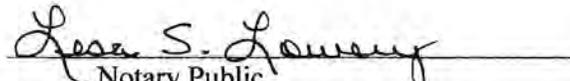
**ATTESTED:**

By:   
**Mary F. Broyles,**  
**It's Clerk**

**COMMONWEALTH OF VIRGINIA,**  
**COUNTY OF PAGE, TO-WIT:**

The foregoing instrument was acknowledged before me this 12 day of September, 2018, by Barry A. Presgraves, as Mayor, and Mary F. Broyles, as Clerk, on behalf of the Town of Luray, Virginia, a Virginia Municipal Corporation.

My commission expires: 4.30.21.  
My registration number is: 158125.

  
Notary Public



\_\_\_\_\_  
**MARK N. REED, as sole acting Trustee** (SEAL)

COMMONWEALTH OF VIRGINIA,  
COUNTY OF PAGE, TO-WIT:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of September, 2018, by MARK N. REED, as sole acting Trustee.

My commission expires \_\_\_\_\_.  
My registration #: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public



**Town of Luray, Virginia**  
Council Agenda Statement

Item No: IV - B

Meeting Date: September 25, 2018

Agenda Item: COUNCIL DISCUSSION  
Item IV-B – Christmas Parade Route

Summary: Council is requested to discuss the route for this year’s Christmas Parade. The theme for the parade will be “A Hometown Holiday”. Due to the bridge closure, an alternate route needs to be developed. Two routes are being considered:

- 1.5 mile route from Fairgrounds down Collins Avenue to Main Street with end at Broad Street
- 0.75 mile route from Campbell Street to Broad Street to Main Street with end at Reservoir Avenue
- 0.75 mile route from Blue Bell Avenue to Main Street with end at Broad Street

The Collins Avenue route offers space for staging at the Fairgrounds and multiple pickup points near the end; issues include two rail crossings, long route, several intersections to close.

The Campbell Street route offers staging on Cave Street, Zerkel Street, and In Lawn Park and dispersal near East Luray Shopping Center; issues include staging in residential neighborhood, two rail crossings, and shorter route.

The Blue Bell Avenue route offers staging on Blue Bell Avenue and Massanutten Avenue and multiple pickup points near the end; issues include one rail crossing and shorter route.

Staff recommend the Blue Bell Avenue route.

Council Review: N/A

Fiscal Impact: N/A

Suggested Motion: N/A





**Town of Luray, Virginia**  
Council Agenda Statement

Item No: VI-A

Meeting Date: September 25, 2018

Agenda Item: CLOSED MEETING  
Item VI – Assignment of Specific Employees of any Public Body

Summary: Council is requested to go into Closed Meeting for the purpose of discussing the hiring or appointment of specific public officers, appointees, or employees, as authorized by Section 2.2-3711(A)(1) of the Code of Virginia. The subject matter is the hiring of the Luray Parks & Recreation Director.

Council Review: N/A

Fiscal Impact: N/A

**Motion to Go Into Closed Meeting**

I move that Town Council convene and go into Closed Meeting for the purpose of discussing the hiring or appointment of specific public officers, appointees, or employees, as authorized by Section 2.2-3711(A)(1) of the Code of Virginia. The subject matter is the hiring of the Luray Parks & Recreation Director.

*A roll call vote shall be taken to certify the vote to convene in Closed Meeting.*

**Motion to Adjourn Closed Meeting and Reconvene in Open Session**

*At the conclusion of the Closed Meeting, immediately reconvene in open session.*

I move the closed meeting be adjourned and the Luray Town Council reconvene in open session.

*A roll call vote shall be taken to adjourn the Closed Meeting.*

**Certification Resolution**

*Upon reconvening in open session, Council shall certify the Close Meeting discussion.*

I move that with respect to the just-completed closed session and to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting by the Town Council.

*A roll call vote shall be taken to certify the Closed Meeting discussion.*

**NOTE:** Any member who does not intend to vote "aye" should state so prior to the vote and indicate the substance of the departure that, in his/her judgement, has taken place. This statement shall be recorded in the minutes.