

**A REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF LURAY, PAGE COUNTY, VIRGINIA
Monday, February 8, 2010**

The Luray Town Council met in regular session on Monday, February 11, 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

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
Pat O'Brien, Director of Parks and Recreation
Charlie Hoke, Director of Utilities
Lynn Mathews, Superintendant of Public Works
Liz Lewis, Luray Downtown Initiative
Jennifer Orenic, Earth Day Representative
Planning Commission Members

A quorum being present, Mayor Barry Presgraves declared the Council to be in session for the transaction of business. All present stood to recite the United States Pledge of Allegiance.

CONSENT AGENDA

Motion: Councilman Schiro motioned to approve the Consent Agenda, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, and Schiro. **Approved 5-0**

Consent Agenda

- A) *Minutes of January 11, 2010 Regular Council Meeting.*
- B) *Minutes of January 26, 2010 Work Session.*

- C) *Financial Report for the period January 1 – 31, 2010.*
- D) *Accounts payable checks totaling \$145,037.61.*
- E) *Acceptance of the 2010 Activities and Events Schedule.*
- F) *Approval of 2010 Arbor Day Proclamation.*

PUBLIC HEARING

Arts and Cultural District

Ligon Webb, Town Planner, presented information regarding the public hearing for the Luray Arts and Cultural District. He noted that this works the same as a zoning district and would be an addition to the town's zoning ordinance. He told Council that this concept was adopted by state legislature some time ago and provides for further growth and development of the downtown area. Mr. Webb said that the Luray Downtown Initiative is encouraging the town to adopt this district. He told Council that the amendment would not provide for any financial incentives in the district at this time, but Council could choose to do so at a later date. Mr. Webb stated that LDI feels this would help with marketing, promotions, and grant opportunities. He said that overall he doesn't see any negative or adverse effects to the amendment.

Councilman Schiro asked Mr. Webb if this amendment would take away any by-right issues for the current zoning district. Mr. Webb confirmed that this amendment would not change any existing zoning regulations.

Mayor Presgraves opened the public hearing for the proposed Arts and Cultural District.

Liz Lewis, 8 Cliffside Drive, Luray –

Ms. Lewis spoke on behalf of the Luray Downtown Initiative and said that information was presented to Council on this at the recent work session. Ms. Lewis stated that this amendment to the zoning ordinance would be helpful in creating a better economy, jobs, and more downtown excitement. She also stated that she would like to see several words added to the definition of the district; "youth education", "festivals and events", and "humanities". She said that LDI hopes to utilize this concept to pursue grant funding.

Mr. Webb stated that the ordinance could be adopted and that the exact wording could still be changed.

With no further comments from the public, Mayor Presgraves closed the public hearing.

Motion: Councilwoman Shifflett motioned to approve the Luray Arts and Cultural District, motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, and Schiro. **Approved 5-0**

GENERAL CITIZEN COMMENTS

Jennifer Orenic- Earth Day 2010

Ms. Orenic spoke to Council regarding the 2010 Earth Day Celebration. She emphasized that this is the 40th anniversary of Earth Day. Ms. Orenic thanked Council for their contribution to last year's event and asked Council to co-sponsor the event again. She stated that funding would also be helpful and that last year's donation covered advertising costs. She said that this year the celebration should be bigger and better. She stated that the donation from the town was in the amount of \$500.00 last year.

Motion: Councilman Menefee motioned to co-sponsor the Earth Day Event for 2010 and to donate \$500.00, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, and Schiro. **Approved 5-0**

DEPARTMENTAL REPORTS

PUBLIC WORKS DEPARTMENT

Mayor Presgraves asked for Mr. Mathews to present his report first so that he could resume snow removal efforts after his presentation. Mayor Presgraves, Councilman Arrington, and Councilman Schiro all complemented Mr. Mathews and his department for their efforts with the snow removal.

Lynn Mathews, Superintendent of Public Works, reported that his department repaired three water leaks. Mr. Mathews stated that due to the situation at the Route 340 dam; HydroTap had to be called in to come and make some repairs to the water line. Mr. Mathews said that basically the dam has been undermined due to high water. He stated that this is a major water main that crosses the Hawksbill Creek. Councilman Menefee suggested that the tree in that area also be removed. Mr. Mathews stressed that if this water line were compromised, several hundred citizens could have been without water.

Mr. Mathews stated that the department responded to six sewer calls.

The department is currently focusing on snow removal. Mr. Mathews said that with more snow on the way, the department was working on loading snow onto dump trucks to be relocated to the recreation park. He said that all areas are passable, but not all roadways are clear. He stressed that his department has tried to be as considerate as possible when plowing. Mayor Presgraves said that Mr. Mathews had done a good job considering the circumstances. Mayor Presgraves dismissed Mr. Mathews from the meeting

POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES

Chief Campbell advised Council of 209 calls for service for the month of January. Chief Campbell stated that he had participated in seven emergency management calls since the last Council meeting. He said that information about these calls is relayed to the Town Manager so that he may sit in on the conference call. Chief Campbell said that the town office was used as an Emergency Communications Center alternative site during this weekend's winter storm. He also told Council that one social services shelter was opened in Stanley. Also, there were several National Guard units in town to assist those stranded by the snow storm. Councilwoman Shifflett questioned the upcoming storm predicted for tomorrow. Chief Campbell stated that the weather report for tomorrow calls for ten plus inches of snow.

PARKS AND RECREATION

Town Manager, Rick Black, stated that the written report could be found in Council's packets. The only item Mr. Black discussed was in regards to permit compliance.

WTP AND WWTP

Charlie Hoke, Director of Utilities, said that the water plant is operating well with no inefficiencies. He said that Patton Harris and Rust Associates is currently correcting a problem at the water plant.

Mr. Hoke stated that the upgrades at the WWTP are progressing well and that Faulconer Construction is doing an excellent job. Lastly, Mr. Hoke noted full compliance for the wastewater plant.

PLANNING

Mr. Webb told the Council that the planning commission will have one public hearing regarding a request from Page Memorial Hospital for a special use permit. Mr. Webb stated that the permit request is to construct a 19,000 square foot medical office building beside of the Page Healthcare Associates building. He said that plans for construction are anticipated for May 2010. Mr. Webb also discussed traffic issues in the area of Memorial Drive. Mr. Webb stated that he feels it is time to talk with all parties involved and look at the traffic problems. Mr. Webb feels that most likely the traffic issues will require a turning lane and signal light.

Mr. Webb advised Council that recycling totals for the year were publicized in the Page News and Courier. The total pounds recycled for 2009 were 133,060.

Mr. Webb went over the sign ordinance reviews; he stated that he only received feedback from Wayne Showalter. Mr. Showalter provided Mr. Webb with some good points regarding

the proposed changes. Mr. Webb said that he is going to have the Planning Commission go back and look at some items again. Mr. Webb stated that he feels a good way to approach this may be to focus on non-conforming signs. Both Councilman Schiro and Arrington suggested looking at the language on the sign changes for signs that are stale or in disrepair. Mr. Webb said that we should decide if the focus is going to be on non-compliance rather than changing the ordinance. Mr. Webb thinks that a good first step would be to get rid of some of the non-conforming signs. Tom Potts, Luray Planning Commission, stated that he has put a lot of time into the new ordinance. He emphasized that he does not want to see us go back to square one. Mr. Potts does not want to see us do something simply because it is easier. Mr. Webb clarified that that is not what he is advising. Mr. Webb reminded that he too has spent a lot of time on this ordinance but would like to see a balance found. Councilman Menefee and Councilwoman Shifflett both agreed with Mr. Potts. Councilman Schiro stated that we should still enforce this existing ordinance. Mr. Webb explained that the process to enforce involves him sending an initial letter and then follow up by Officer Brice.

Councilman Arrington stated his concerns over grandfathered and non-conforming signs. Councilwoman Shifflett emphasized that she does not want to see anymore poor looking signs. Mr. Webb said that overall the intent of the proposed sign ordinance is to encourage better looking signs. Councilman Schiro feels that it would be good to start with enforcement. Mayor Presgraves reminded Council and Staff that we want to be business friendly. Mr. Potts stated that the proposed ordinance offers incentives for choosing specific colors. Lastly, Mr. Webb stated that overall the topic of signs is one of the most difficult; Mr. Webb likes what has been done so far on the proposed ordinance amendment even though the public may not.

OLD BUSINESS

Habitat for Humanity Subdivision

Town Manager, Rick Black, presented Council with information regarding the next phase of their Hilltop Lane project. Mr. Black reviewed information regarding the water and sewer taps for the project. The final plat for the development can be found in Council's packet.

Motion: Councilman Schiro motioned to approve the final plat for Habitat for Humanity as presented, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, and Schiro. **Approved 5-0**

VDOT Street Maintenance Deletions

Mr. Black stated that regarding the VDOT Maintenance list there are several roads that need to be deleted and should not have been on the list initially.

Motion: Councilman Arrington motioned to approve the adoption of request for street deletions for municipal assistance payments, motion seconded by Councilman Menefee with

the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, and Schiro. **Approved 5-0**

Mayor Presgraves asked Mr. Black if there was going to be any additional street address changes. Mr. Black stated that he is not aware of any other than the changes for Forest Hills. Chief Campbell said that the addressing at Village Place in Luray is a disaster. Councilman Schiro reminded that the town authorized Page County to assign street addresses for the town. Several areas of concern were discussed including: Forest Hills, Westlu Subdivision, and Village Place. Chief Campbell stated that these address changes are a big inconvenience to the residents' that they affect. Mayor Presgraves concluded by requesting that Mr. Black check to see if any additional areas are going to see changes.

NEW BUSINESS

Budget Amendment for FY2009-2010

Mr. Black stated that in order to transfer funds from any area of the budget, a budget amendment must take place if the amount exceeds 1% of the total budget. Mr. Black is requesting that Council make this amendment at the March Council meeting.

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
Investment of Public Funds, Section 2.2-3711.A.6
Legal Matters, Section 2.2-3711.A.7

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing Sections 2.2-3711.A.3 (to discuss the Holsinger Property), 2.2-3711.A.6 (to discuss the Phillips Property) and 2.2-3711.A.7 (concerning the Lord Fairfax Community College lease agreement). **Motion:** Councilman Lancaster 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, and Schiro.

Approved 5-0

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

Approved 5-0

Mayor Presgraves asked members of Council to certify that to the best of their knowledge the only matters covered under Sections 2.2-3711.A.3, 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 said that Council needed to take action on two items from executive session.

Motion: Councilman Menefee motioned to authorize staff to proceed with the Holsinger Estate for the purpose of making necessary improvements on North Bank Street, motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, and Schiro. **Approved 5-0**

Motion: Councilman Arrington motioned to give an unused generator from the Water Treatment Plant to the Page County Emergency Communications Center as discussed, motion seconded by Councilwoman Shifflett with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, and Schiro. **Approved 5-0**

ADJOURN

Before adjourning the meeting, Councilman Menefee expressed his concerns regarding a proposed industry coming to Page County. Mr. Menefee thinks that this industry is not a good thing for the community and would like to see the town Council take this seriously and discuss with other towns.

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 9:06 P.M.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer