

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

MONDAY, April 14, 2014

The Luray Town Council met in regular session on Monday, April 14, 2014 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
Pam Flasch
Mary Menefee
Leroy Lancaster
Joey Sours
John Meaney

Also Present:

Charlie Hoke, Town Manager
Mary Broyles, Town Clerk/Treasurer
Danielle Babb, Deputy Clerk Treasurer
Ligon Webb, Town Planner
Liz Lewis, Luray Downtown Initiative
John Robbins, Luray Page County Chamber
Jason Spitler, Town Attorney
Jeff McMillan, Page News & Courier
Mike Uram, Page County TRIAD
Stephanie Lillard, Economic Development Coordinator-Page County
Powell Markowitz, Luray Page County Airport Authority/ Boy Scout Troop 100
Chris Seely, Boy Scout Troop 100-Eagle Scout Project

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

CONSENT AGENDA

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

Consent Agenda

- A) Minutes of the Special Council Meeting – 2-3-14
- B) Minutes of Regular Council Meeting- 3-10-14
- C) Minutes of the Council Work Session – 3-25-14
- D) Financial Report – Month Ending March 31, 2014
- E) Accounts payable checks totaling \$113,254.24

GENERAL CITIZEN COMMENTS

Mike Uram, Page County Triad Conference

Mr. Mike Uram spoke on behalf of the organization called TRIAD and provided members with a handout regarding the upcoming conference. He explained that TRIAD is an organization that is committed to improving the quality of life for our senior citizens by enhancing their health, safety, and security through communications, education, and outreach. Once a year a conference is held on May 1, 2014 and a list of events have been provided; he encouraged everyone to attend.

Stephanie Lillard, Page County Economic Development Coordinator

Ms. Stephanie Lillard said that she was present this evening to discuss the Enterprise Zone. She noted that last year Martha Shickle, NSVRC, spoke on behalf of the Page County Economic Development Authority and the decision was made to apply for this designation. Unfortunately, as members are aware, the designation was not received. Ms. Lillard said the EDA would like to reapply and feels that it is equipped to be more competitive this time. Ms. Lillard said she was able to speak to the Department of Housing and Community Development about last year's application and received some feedback on how the application can be improved. She said that some good hands-on assistance was provided and some questions/suggestions were given. A map of the designated area was provided and the application scoring process was discussed.

Ms. Lillard discussed some of the concerns expressed by DHCD from the previous application process. She said that previously there was a misconception that the Main Street Community Designation might be lost. Also, Ms. Lillard noted that once the EDA decides what type of industries they want to pursue then their responses on the application can be much more specific. Again, she said that her intent this evening was to make members aware of the re-application for this designation and to gain any feedback or response on the map. Members inquired about the application deadline. Ms. Lillard stated that the application is due by June 30, 2014. Councilman Vickers asked about any financial support needed from the town at this time. She said that no financial requirements are necessary at this time but the town's support would be needed if a business is secured and incentives would be provided.

Councilman Vickers inquired about the area of focus for new business. Ms. Lillard said that the feedback she has received suggests tourism, light manufacturing, agriculture, information technology, and medical fields. She said this would mean partnering with the school system and hearing concerns from existing businesses.

Mayor Presgraves expressed concern regarding the misconception over the Virginia Main Street Designation. He said that this was in part due to the town not fully funding LDI in the last budget year. He stated that in the upcoming year, LDI is going to be funded in increments. Mayor Presgraves said that this does not mean that Council wants to eliminate the organization and that this is a definitely a misnomer. Ms. Lillard said that this is a very unfortunate reason for not receiving the designation but that there were other concerns as well. Mayor Presgraves explained that the upcoming budget year will provide for \$15,000 in funding on July 1st, 2014 and the additional \$15,000 pending an evaluation in December 2014. Mayor Presgraves expressed that he feels it is vital to obtain the Enterprise Zone designation for our community.

PUBLIC HEARINGS AND PRESENTATIONS

Powell Markowitz/Chris Seely- Boy Scout Troop 100

Mr. Powell Markowitz introduced scout member Chris Seely who is working on his Eagle Project. Mr. Seely has completed nearly all merit badges and is eager to achieve this rank. In order to do so, he needs to complete this project. Mr. Markowitz explained that the intent is for the scout to formulate a plan and develop leadership skills through the project. Mr. Markowitz said that candidates have attempted to do projects that are lasting in nature. In the past, he has consulted with Mr. O'Brien on projects that are needed and to see if funding is available. Mr. Markowitz said he understands that funds are tight and he has approached Mayor Presgraves about the project. He would like for Mr. Seely to explain the project and for Council to consider funding up to \$1,200.

Mr. Chris Seely thanked the Mayor and Council for considering his project and explained the details of the construction. The project is for a moveable dressing area at Lake Arrowhead that would allow for changing into ones swimsuit at the beach area or for participants of the Triathlon to utilize. Mr. Markowitz explained that the building unit would be portable in case of flooding, or for seasonal storage. Members noted that this is a well needed project. Councilman Vickers inquired about the funding for the project. Mayor Presgraves said this would not impact the Parks and Recreation Budget and that funding would be made available.

Motion: Councilman Vickers motioned to approve \$1,200 in funding for the Eagle Scout Project as discussed, motion seconded by Councilman Meaney with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

DEPARTMENTAL REPORTS

Mayor Presgraves commended the Youth Trout Derby that was held on Saturday, April 12th. He noted that 311 children participated in the event.

PLANNING AND ZONING

Town Planner, Ligon Webb, said that Shen-Paco Industries has withdrawn their application to operate a "general retail/thrift store" establishment at their existing location. Mr. Webb said that the Town's Sign Ordinance is scheduled for Council's regular meeting in May. Mr. Webb noted the town's Facebook

page reached approximately 1,000 likes by April 2, 2104. He stressed that this is a valuable tool for the town and suggested utilizing Facebook advertising for the upcoming Festival of Spring.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Mayor Presgraves explained that Mr. Mark Malone was scheduled to be in attendance this evening. However, he received notice from Mr. Bill Fisher that Mr. Malone is out of the country and will not return until tomorrow. Mayor Presgraves said that he will reschedule Mr. Malone's presentation for the council work session.

Luray Page County Chamber of Commerce

Director, John Robbins, said that the Chamber participated in the open house that was hosted by the town concerning the Main Street Bridge Project. He felt the event went very well and that he was able to respond to most questions that were received. Mr. Robbins said the Chamber is still receiving feedback from merchants on a pretty regular basis. He commended the town for its efforts to date and stated that staff is "ahead of the curve" on this project.

Mr. Robbins stated that Page County is now part of the Artisan's Trail Network. Mr. Robbins said that he continues to learn about this designation and how to help area businesses enroll. He stated that the goal of the designation is economic benefit and other similar networks have seen increased revenues from these efforts.

Mr. Robbins said that there is a new benefit available to Chamber members. This benefit is for online training courses at very little cost. There is an online marketplace of webinar type courses that begin at \$20 and up. The Chamber has been working with several groups who are coming here to the area in the fall for various team building exercises or receptions. Mr. Robbins also said that he has met with representatives from NAPA Auto Parts Stores about a potential new location in town. The Chamber will be a bit more involved in the Triathlon this year and will keep the visitor's center open for extended hours during this year's event. The Chamber of Commerce held its annual cabin owner's forum in March, with approximately 30 attendees. The forum allows owners to discuss concerns and solutions related to the cabin business. He said that a consistent concern is in relation to stink bugs and guests with these type complaints. Mr. Robbins also said that both the Chamber and LDI are both part of a program called Mountains-to-Main Streets. The Chamber recently won an award for the program from the Virginia Tourism Corporation for "Innovation in Tourism". Mr. Robbins said they were very pleased to win this award.

Visitation to the center was down somewhat for the quarter ending March 31st, 2014. The months ending January, February, and March 2014 combined saw 2,081 visitors total. Mr. Robbins feels that visitation will begin to pick back up in the coming months. LPCCC is set to award a couple of scholarships and is still working on choosing from the applications received. Two awards will be given, one to a Luray High School graduate and one to a Page County High School graduate.

Luray Page County Airport Authority

Mr. Powell Markowitz stated that he has obtained information from the Department of Aviation approving the transfer of assets from the Town and County to the Airport Authority, with all of the documents ready to be signed. Mr. Markowitz said that he is unaware of how long this process will take, as are his contacts at the FAA. He explained that the airport is already operating legally as an Authority, but before real estate can be transferred the federal authorization must take place. Mr. Markowitz reported that fuel sales were very low for January and February, but have been significantly better in March and April. He explained that fuel sales are the airports main source of revenue. He added that some dirt is being moved by the County for fill at the airport. Mr. Markowitz noted that this could be applied to any projects of the town including the bridge demolition.

ACTION ITEMS

Donald Farmer: Final Plat Review

Town Planner, Ligon Webb, said that the final plat for Mr. Farmer has been reviewed by Council members previously. Mr. Webb recommended approval and said that the final plat could be recorded, creating two parcels from this single lot. Councilman Lancaster inquired about the non-conforming status of the current lot and if the properties could be rebuilt if there were to be a fire. Mr. Webb said that the structures could be rebuilt within the two year time frame limitation. Mr. Webb said that it seems to make more sense to have two houses on two non-conforming lots, rather than two houses on one non-conforming lot. Councilman Vickers inquired about the reason for this request. Mr. Webb said that he understands Mr. Farmer would like to sell one of the houses. Mr. Webb said that the Planning Commission has unanimously approved Mr. Farmer's request. Mayor Presgraves asked for Council's action on this item. Councilman Vickers said that he understands the nature of Mr. Farmer's request, despite the lack of any benefit to the town.

Motion: Councilman Sours motioned to approve the request from Mr. Donald Farmer - Final Plat as discussed, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

TOWN ATTORNEY'S REPORT

Town Attorney, Jason Spitler, followed up on Mr. Markowitz's report regarding the Airport Authority. He said that the application is not likely to be granted for 60-90 days. Attorney Nathan Miller has already begun the documents for the consolidation deed which will convey title to the Airport Authority. He reiterated that we are simply awaiting the FAA's approval of the transfer of sponsorship.

At the last meeting, Council discussed the possibility of creating an Architecture Review Board to deal with a very narrow scope of issues concerning the town's historic district that currently comprises about 70-75 properties. The scope being discussed would mainly relate to demolition of structures. The State Code does not offer much direction on the formation of such a board. Mr. Spitler said that both he and Mr. Webb have done a great deal of research on the subject; including contacting VML and other directive counsel. Mr. Spitler said that the board would follow the structure of other town boards and

would suggest using the existing Planning Commission members to serve on this board. This would essentially require the Council to reappoint the members of the Planning Commission to the Architecture Review Board. As with any decision of the Planning Commission, any recommendation of the Architecture Review Board would require Council's approval. The Planning Commission will likely continue this discussion at their meeting on Wednesday, April 16th. Mr. Webb said that he would like to keep the focus of the board narrow and to gain some advice from neighboring town's who utilize this board.

Mr. Spitler stated that he has received notice from the State Corporation Commission that Shenandoah Valley Electric Cooperative has filed an application for a rate increase. The notice proposes a 5-8% increase in rates. Mr. Spitler said that the initial acquisition agreement that was approved by the SCC required that no rate increase be requested for consideration until after July 1st, 2014. The request for consideration has an effective date of July 3rd, 2014. Mr. Spitler said that members can discuss what steps they can take to file pleadings before the SCC at the upcoming public hearing. However, he feels these efforts would be of no assistance in stopping these proceedings and SVEC's application is very unlikely to be denied.

Work has continued on the title research for the American Legion tennis court property. Mr. Spitler is satisfied that the title never left the ownership of the American Legion. He feels that perhaps there was some discussion on this many years ago which led to some survey work, but that no deed was ever drafted. He said there is no indication in the county deed records that the property has changed ownership. The leaders of the American Legion are very agreeable to conveying title to the town for this parcel. They recognize that this was intended in prior years and that the town has invested a great deal of money in resurfacing the tennis courts. Mr. Spitler said that he would like Council's consensus to proceed with ordering the survey/plat work and the associated cost of this transfer. He estimated the total cost of transfer at \$1,500 or less. Council members agreed to proceed with this process.

Town Attorney, Jason Spitler, continued previous discussions regarding the Nuisance Ordinance and said that the majority of these ordinances have been enacted. Mr. Spitler continues to work on Chapter 18 regarding animals and has one small amendment to the noise ordinance. The remaining issue in Chapter 74 of the code is in regards to snow removal. He said that Chapter 74-19 seems unfair and is likely unenforceable. Mr. Spitler requested some direction on this ordinance in terms of the time frame permitted for snow removal. He stated that essentially the only change needed is the sentence dictating the time frame for removal. Council members discussed what they feel is reasonable and the various scenarios associated with those. Councilman Lancaster cautioned that regardless of the time frame decided upon, the town must be able to clear its own sidewalks within these guidelines also. Mayor Presgraves suggested contacting other localities to see what their ordinance requires. Mr. Spitler said that he will put together some information for members to review. He added that members may also want to distinguish between residential and commercial areas.

ANNOUNCEMENTS/ADJOURN

Mayor Presgraves made members aware that there was a bank robbery in town today on East Main Street. He said that the individual has not been caught at this point and that information is available on WHSV-TV3. Mayor Presgraves informed members that originally the Hawksbill Greenway Foundation had planned to host the Wine Garden at the Festival of Spring; but, due to a lack of vendors they will not

be doing so. Instead, the wine vendors will be combined with the Beer Garden hosted by Performing Arts Luray. Mayor Presgraves informed members that Assistant Town Manager, Bryan Chrisman, left early this evening due to illness and therefore could not attend the evenings meeting. Town Manager, Charles Hoke, said that he would like to move the Work Session meeting to April 29th and has made members aware of this during his weekly report. At the work session Mr. Hoke would like to discuss a reward for Assistant Town Manager, Bryan Chrisman, for his steadfast dedication to the Main Street Bridge Replacement Project which has resulted in a significant savings for the town. Mr. Hoke said that he would like for Council members to consider this incentive at the work session meeting. Mayor Presgraves agreed and said that Mr. Chrisman has gone above and beyond his duties in this respect.

With no further business, Mayor Presgraves adjourned the regular session of the Luray Town Council at approximately 8:35 pm.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer