

**MINUTES OF A TOWN COUNCIL WORK SESSION
TOWN OF LURAY, VIRGINIA
Tuesday, May 25, 2010**

The Luray Town Council met in a work session on Tuesday, May 25, 2010 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: Nancy Shifflett
Lonnie Arrington
William Menefee
Leroy Lancaster
Jerry Schiro
Earl "Rock" Racer**

**Also Present: Rick Black, Town Manager
Bryan Chrisman, Assistant Town Manager
Danielle Babb, Deputy Clerk-Treasurer
Ligon Webb, Town Planner
Jason Spitler, Town Attorney
Pat Racey, Luray Little League
Bob Kelley, Kelley Construction
Ronald Vickers
Page News and Courier
Rodney Jenkins, Baker Development**

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

Changes or Additions to the Agenda

Mayor Presgraves asked if there were any changes or additions to the agenda. Town Manager, Rick Black, requested to discuss the office closing for the fiscal year end, the traffic signal at Main and Broad Streets, and the Town of Shenandoah Parade. Mayor Presgraves stated that the Town Attorney portion would be moved up on the agenda as Mr. Spitler has another engagement this evening.

Luray Little League

Mr. Kelley stated that the softball project is about two days behind schedule but will be caught up. Mr. Kelley said that the excavation portion of the work will be completed by June 12. He stated that the bleacher work will begin on June 21st and is to be completed by the first week of July 2010. Mr. Kelley

said that the lights will arrive on June 1st, painting work continues, and that electrical upgrades are also continuing. Councilman Schiro asked Mr. Kelley about the completion date. Mr. Kelley replied that he would like to have an occupancy permit by July 23rd, possibly by July 17th in time for the Grand Opening events. Mr. Kelley stated that the first game of the tournament will be held on July 30th.

Pat Racey stated that he was representing the Little League, as Nathan Strickler could not be in attendance this evening. He stated that all things right now are centered on the Luau fundraiser and Grand Opening festivities. Mr. Racey said that the Little League has engaged Ms. Nina Long to handle the marketing of the event. He said that over 700 invitations have gone out and that the event is much more evolved than before. Mr. Racey said that the league is having weekly meetings to coordinate these events. Town Attorney, Jason Spitler, agreed to meet with Mr. Racey later this week to discuss the terms of the contract with Ms. Long.

Public Hearing: Proposed FY2010-2011 Budget

Town Manager, Rick Black, told Council that the budget must be approved before July 1, 2010. Mr. Black said that this will be on the agenda for vote at the June 14th regular Council meeting. Mr. Black also said that the associated utility fee structure will also need to be adopted at this time.

Town Attorney

Town Attorney, Jason Spitler, reported that all things are favorable with the Lord Fairfax Community College and Fielder's Choice issues.

Sewer Issue: Section 86-3

Town Attorney, Jason Spitler, stated that the only other issue he had for the meeting was dealing with the Town Code section 86-3 (sewer). Mr. Black stated that it is his understanding of the Town Code that the Town is responsible for the maintenance of private sewer lines but the owner is responsible for the costs of the maintenance. In several areas of town there are instances where sewer lines from one owner cross the property of another owner. The problem is when this occurs the Town can authorize repairs for one owner and the other owner's property may have to incur the costs. Mr. Black displayed a diagram of this situation for Council. Councilman Lancaster stated that he does not read the Town code the same way Mr. Black does. Councilman Lancaster does not read in the code that it is the town's responsibility to do this. Councilman Schiro stated that there are lots of these situations in the town and that the town is going to have to maintain some sort of control over this. Town Manager, Rick Black, stated that he wants the town to be sure they have the authority to do so. Councilman Schiro asked what the solution would be for this problem. Town Attorney, Jason Spitler, stated that he would work with Mr. Black to prepare a proposed ordinance amendment for the Council to review at the June 14th meeting.

Public Hearings: Amendments to the Zoning Ordinance

A) Recreation/Arcades

Ligon Webb, Town Planner, stated that the fall planning conference has been confirmed for Luray. Mr. Webb handed out a flyer that detailed that event. Mr. Webb stated that he has been working with the BB&T PALS center for the event and that all is going very well.

Mr. Webb provided Council with the proposed definition amendments for the following; Amusement or Recreation Center, Poolroom or Billiard Room, Commercial Recreation. Mr. Webb emphasized that the uses will be permitted by “special use permit” in the B1 Zoning District.

Councilman Lancaster stated that he has a problem with this. He stated his concern over why three or more pool tables establish a billiards room. Mr. Lancaster said that gambling can occur with only one pool table and that three tables is not a magic number. Mr. Lancaster said that the same regulations should apply regardless of the number of pool tables. Council and staff discussed the old regulations for pool tables. Mr. Black stated that all recreation facilities will fall under the Special Use Permit requirement and that any conditions desired by Council can be placed on this permit. Mr. Webb stated that the Planning Commission established the number of tables for the definitions and that was their recommendation. Councilman Lancaster asked if both definitions are required to go through the same permitting process. Councilman Schiro stated that they will all be required to have a Special Use Permit.

Mr. Webb said that he will be meeting with Karl Bakken tomorrow regarding his facility. Mr. Webb and Mr. Bakken will be working on a list of conditions for his facility.

Councilwoman Shifflett questioned the age requirements for playing pool at a public facility. Councilman Arrington explained that what Mr. Webb is saying is that a “Poolroom” is for 18 and over; while an amusement center is for those under 18 as well. Mr. Arrington reminded that with the special use permit, Council can allow any conditions needed.

Town Attorney, Jason Spitler, reviewed the existing code for poolrooms and similar establishments. The current code discusses visibility, hours, lighting, etc. Mr. Spitler stated that Council needs to determine if the conditions in place apply.

B) Signs

Mr. Webb stated that it was one year ago that he came before Council with the initial sign ordinance revisions. Mr. Webb stated that he along with the Planning Commission have been working on this for the past year. Mr. Webb feels that the proposed ordinance is now simpler, better, and easier to understand.

NSVRC- Draft Drought Response Plan

Mr. Bryan Chrisman discussed the NSVRC Draft Drought Response plan. The Commission has worked with all localities to initiate compliance with this state mandated requirement. Councilman Schiro asked if the Town had been participating in this committee. Mr. Chrisman stated that the Town is participating and that additional drafts of the plan will be passed on for Council’s information. Mr. Chrisman said that the plan will need to be adopted by Council in 2011 and will require two resolutions.

Luray Landing

Mr. Black told Council he had received a request to add two single family dwelling units to the western side of the Luray Landing Development master plan. Mr. Black directed Council to the plans provided in the Council packets. Mr. Black said approving these lots would be inappropriate while the airport is still hashing out issues with the FAA for the runway protection zone. Councilman Racer thought this area was to be reserved until the road and runway issues were resolved. Mr. Rodney Jenkins stated that the FAA is still back and forth on this issue. He said that the figures for the in-town portion of the development are

agreeable for purchase; however the county portion is not. Councilwoman Shifflett asked why the two lots are needed in the development. Mr. Jenkins said that this litigation has been ongoing for over 3 years and he would like to add these two lots back into the development plan. Councilman Schiro clarified that the request is for the two lots to be put back in the plan, but the remaining issue is the 520 feet set-back for the runway requirement. Mr. Jenkins emphasized that if the FAA wants to put restrictions on his property then he feels they should purchase it. Councilman Racer questioned why the town would want to get involved while these issues still exist. Council discussed the area of the plan that has already been approved by Council and the existing structures. Councilman Schiro and Bryan Chrisman discussed the water infrastructure for the development and the associated fire suppression. They stated that the infrastructure upgrades are tied to the demand. Councilman Lancaster asked how the hydrants are affecting the water demand in that area. Mr. Chrisman stated that the newer hydrants are far more efficient. Mr. Jenkins noted that he has been working with Dave Bushman and that the infrastructure plans have not been overlooked. Councilman Schiro said that the town is obligated to let Mr. Jenkins know well in advance when more infrastructures are needed.

VDOT- Leaksville Road

Mr. Black said that VDOT has requested to know the Town's intentions concerning Leaksville Road. Mr. Black said that a boundary line adjustment will likely include the roadway and the school. He stated that the town would not receive any additional funds from VDOT for the road improvements. Thus, it would take 2-3 times as long to build up the funding needed to improve the road. Mr. Black emphasized that it is best for all if the road is improved but there is no point in adjusting the boundary line. Councilman Lancaster asked if a boundary line is adjusted for the school, would the road have to come with it. Councilman Racer asked why the town would want to bring in the school property when it generates no revenues for the town. Councilman Arrington disagreed; he stated that he wants the school to be in the town. Councilman Racer said that this would be an annexation not a boundary adjustment. Councilman Schiro stated that this would involve many parties that would likely not agree. Mr. Black stated that the fastest way to get the road improved would not be by a boundary line adjustment. Councilman Arrington re-stated that he wants to see the school be in the town limits. Mayor Presgraves said that it sounds as if you cannot have the school without the road

Wastewater Treatment Plant

Town Manager, Rick Black, said that there could be a small cost overrun based on information from Reid Engineering. Mr. Black and Mr. Hoke are meeting with the engineering firm this week to look at ways to avoid this.

Adjourn

Mr. Black requested that the front office be closed for the fiscal year end on July 1st and 2nd. Mr. Black also reminded Council of the Employee Picnic to be held on July 2nd.

Mr. Black also told Council that he had received a request for NO RIGHT TURN ON RED signs at the traffic light on Main/Broad Streets. Councilman Lancaster suggested leaving the signage the way it is. Councilman Racer added that he does not think the crosswalk signs are working correctly.

Lastly, Mr. Black reminded Council of the reception to honor Council Members Menefee and Shifflett on June 16th at the Victorian Inn.

Mayor Presgraves reminded Council of the Town of Shenandoah Memorial Day Parade this weekend.

There being no further business, Mayor Presgraves adjourned the work session of the Town Council at approximately 7:02 pm.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer