

**MINUTES OF A TOWN COUNCIL WORK SESSION  
TOWN OF LURAY, VIRGINIA  
Tuesday, June 23, 2009**

The Luray Town Council met in a work session on Tuesday, June 23, 2009 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  
Mary Broyles, Treasurer  
Danielle Babb, Deputy Clerk-Treasurer  
Luther Johnson, Page News & Courier

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. Councilwoman Shifflett requested to discuss a community swimming pool at the end of the meeting.

**Public Hearings**

**A) Vacation of Public Right of Way - 42A11-18-73-5 (415 Fourth Street)**

Rick Black, Town Manager, stated that there will be an upcoming public hearing regarding the vacation of a public right of way. The request is from Ronald and Bonnie Jenkins at 415 Fourth Street for a public alleyway that adjoins their property. Mr. Jenkins would like to demo the existing structure on the property and build a duplex. The zoning in the R-4 district requires a minimum of 8,000 square feet. The existing lot is 7,000 square feet; the additional space from the vacation of right of way would allow Mr. Jenkins the 8,000 square feet necessary for the duplex. Mr. Black stated that he does foresee objections from adjacent property owners. Councilman Schiro questioned if the alleyway is currently used for public access. Mr. Black believes that the alleyway is accessed by other property owners.

Councilman Lancaster stated that if any objections are received on this request then the Council would not be able to allow the vacation of this right of way.

### **B) Disposition of Public Property – 42A11-A-22 (1 North Alley)**

Town Manager, Rick Black, stated that there will also be a public hearing regarding the disposition of public property for a portion of the property at 1 North Alley. The contract will be prepared by the Town Attorney for Mr. Curtis Harrell; the details of the agreement are based on Council's previous discussions.

### **Airport**

Rick Black, Town Manager, stated that in the past the water and sewer fees for the airport have always been paid by the Luray Caverns Corporation. Mr. Black referred to the terms of the lease agreement that state that *the Town of Luray shall provide water and sewer service consistent with current and reasonable usage...* Mr. Black believes that this portion of the lease is misinterpreted. Currently the water and sewer service that was paid for by the Luray Caverns Corporation is for the airport terminal and the Bennett House. Mr. Black stated that the water and sewer service for the T-Hangars is to be paid for through the operational funds of the hangar rents.

Councilman Racer pointed out the portion of the lease that states the *Operator shall pay the costs of all other utilities...* Town Manager, Rick Black, expressed that the water and sewer charges should continue to be paid for by the airport. Councilman Schiro reminded that the Town of Luray is prohibited from giving away water and sewer service. Mr. Black stated that this wording has always been in the lease agreement but that the term "provided" does not mean "to pay for". In conclusion, the Council agreed with Mr. Black that the utilities will not be paid for by the Town.

Lastly, Mr. Black stated that the Page County Treasurer's Office will not be handling the fiscal operations of the Hangar Project. Treasurer, C.R. Suddith has informed Mr. Black that the operations will be handled through the Page County Finance Department.

### **Storms Drains**

Town Manager, Rick Black, addressed the current storm drainage issues for several areas in town. Mr. Black highlighted the following problem areas; Brookside Subdivision, Jackson Street, North Court Street, Lord Fairfax Community College/ North Hawksbill Street, and the Page County Office Complex. Mr. Black noted that due to recent heavy rainfall these areas have all been affected by drainage problems. Mr. Black cited the specific problems in each area and offered possible solutions.

Councilman Racer cautioned that the nature of recent rainfall is not typical. Mr. Racer stated that he is not opposed to improving this drainage issue but feels that the town should be cautious of overspending on these improvements due to the infrequent nature of such circumstances.

Councilman Schiro questioned how we are going to fix these issues. Mr. Black stated that VDOT funds can be used to make improvements and that all work can be done by public works. Mayor Presgraves agreed that there are serious problems in these areas but that improvements could be made at minimal costs.

### **Winery Zoning District**

Town Manager, Rick Black stated that there have been no requests for this type of zoning. However, other localities have been amending their zoning ordinances to allow for these types of manufacturing

facilities. Mr. Black stated that the Council may want to have the Planning Commission look into this. Councilman Racer agreed that this would be something good for the town to consider. Mr. Black feels that it would be good to have something in place within the town's zoning ordinance to accommodate such a request. Mayor Presgraves instructed Mr. Black to have the Planning commission look into this.

#### **Phase IV Parking**

Assistant Town Manager, Bryan Chrisman, informed Council that he had spoken with officials at the local VDOT office. They have performed some site studies and provided information with which to modify the sign diagram for Phase IV of the Greenway. Mr. Chrisman stated he has been advised that there is enough site distance for both left and right turns into the southern entrance of the pocket park. Mr. Chrisman stated that VDOT officials also advised that a different style of signs could be used that would complement the aesthetics of the other Greenway signs. He stated that the Department of Forestry intends to help with the cost of these new signs. Overall, Mr. Chrisman stated that the number of signs has been reduced from seven to four.

#### **Town Attorney Report/ Executive Session**

Town Attorney, Jason Spitler, was not present at the evenings meeting. Town Manager, Rick Black stated that there would be no report for Council.

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

##### **Water Treatment Plant**

Mr. Black stated that the Water Treatment Plant construction is moving along and that the Pall System should be shipped and delivered sometime next week.

##### **Community Swimming Pool**

Mr. Black stated that Town Staff will be meeting next week to discuss concerns over the Lake Arrowhead spillway obstructions. The main obstruction for the spillway is the beach area, which may eventually need to be removed.

Councilwoman Shifflett stated that if the beach area has to be removed she would like to see the Council and Staff look into a community swimming pool. She stated that in the past there was concern over the additional liability that a pool would create. However, after contacting VML there would be no additional liability for the town if it were to own a swimming pool. Mr. Black stated that funding is available for such a project, but only in the form of loans. Councilwoman Shifflett would like to see the community support such an endeavor through fundraising projects.

Councilman Lancaster expressed his concerns for the maintenance and operational costs that a pool would create. Mr. Lancaster stated that in the past, Council members had visited other localities and the main problems are the huge maintenance costs.

Councilman Arrington stated that the objective of a community pool is not to make money but to provide for the community. Mr. Arrington stated that a community pool is an objective of the recreation park master plan. He also noted that a community center should be considered at the same time if a pool were constructed.

Councilman Racer stated that he is not opposed to such a project but is uncertain how it would be affordable.

### **Employee Picnic**

Mayor Presgraves reminded Council members of the annual Employee Picnic to be held on Thursday, July 2<sup>nd</sup>.

### **VDOT**

Councilman Racer stated that the plans are for the local VDOT Administrative Office to be closed in March 2010. Councilman Racer plans to request that we be placed under the Edinburg Residence as opposed to the Harrisonburg Residency Office.

### **Roscoe Frye- Water Damage**

Councilman Lancaster asked for an update on the damages incurred by Mr. Roscoe Frye (6 Bixler's Ferry Rd.) Town Manager, Rick Black, stated that he has submitted this claim to VML's No Fault Insurance. The Town's regular VML insurance has already denied this claim.

Mr. Lancaster stated that he too had water damage and many others as well. Councilwoman Shifflett stated that many others may have been affected by the heavy rainfall that staff and council are unaware of.

Councilman Menefee reminded that Council has already approved to fix Mr. Frye's damages. Council persons Menefee, Arrington, and Shifflett all agreed that Council has committed to assisting Mr. Frye.

Councilman Lancaster stated that if this claim is paid by the VML No Fault Policy he is concerned that the Town's insurance premium will increase.

Assistant Town Manager, Bryan Chrisman, stated that Public Works has completed its repairs to this area. However, he reminded that in circumstances such as the last heavy rainfall there are no guarantees. Mr. Chrisman feels that the Town has made the best efforts possible to remedy the issue.

Councilman Lancaster feels that in the future when Town Staff receives a denial from its VML Insurance no further action should be taken. Mayor Presgraves reminded that the Council approved Mr. Frye's request at the last Council meeting. Councilman Schiro stated that Mr. Frye has the impression that he is going to be compensated. He also expressed that anytime Council is in a position to do so, they should try to help citizens in this situation. Mr. Schiro also noted that storm water drainage issues have been an ongoing problem; therefore perhaps a policy should be implemented to handle these situations. The policy may be that in the future the requests for damage compensation be handled only by VML's policy. Mayor Presgraves, along with Council members Menefee and Racer, advised that in this instance Mr. Frye is going to have to be compensated. However, in the future Council should consider adopting a different policy.

## **Adjourn**

There being no further business, Mayor Presgraves adjourned the work session of the Town Council at approximately 6:45 pm.

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Barry Presgraves  
Mayor

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Danielle P. Babb  
Deputy Clerk-Treasurer