

**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF LURAY, PAGE COUNTY, VIRGINIA
Monday August 11, 2008**

The Luray Town Council met in regular session on Monday, August 11, 2008 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
Earl "Rock" Racer

Also Present: Rick Black, Town Manager
Bryan Chrisman, Assistant Town Manager
Jason Spitler, Town Attorney
Mary Broyles, Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Ligon Webb, Town Planner
Charlie Hoke, Director of Utilities
Pat O'Brien, Director of Parks and Recreation
Page Campbell, Chief of Police
Tom Potts, Luray Planning Commission
Karen Riddle, Luray-Page County Chamber of Commerce
Powell Markowitz, Luray-Page County Airport Commission
Kenneth Painter, Luray-Page County Airport
Gary Modjeska, Luray Heights Developer
Bob Allnut, Luray Heights Developer
Sharon Baroncelli, American Red Cross
John Rogerson, PACA (Page Alliance for Community Action)
Luther Johnson, Page News and Courier

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.

PUBLIC HEARING

Rivers West Bar-B-Q/ Richard Rutherford (TM# 42A4-A-49A)

The application is requesting a special use permit to allow a temporary concession trailer to be located in an identified floodway district. Per the Town Code all uses located in a floodway district require a special use permit. The subject parcel is zoned B1 and presently the applicant is operating a concession trailer on

a temporary basis. The applicant has obtained a temporary business license and satisfied all relevant requirements from the Page County Building Official and the Virginia Department of Health. The applicant has submitted a proffer statement which details the operational times, storage, and other related issues. Since the location is in a floodway district a special use permit is required for the operation to remain permanent. A request has been made by Mr. Richard Rutherford to operate the concessions trailer on a permanent basis. Staff believes that if the applicant adheres to the submitted proffered conditions and continues to operate in an orderly and attractive manner, the proposed use will be an asset to the surrounding area. The Town Staff, County Building Official, and Department of Health will continue to monitor the operation to ensure its compliance. A failure to do so would result in the immediate revocation of the applicant's Town Business License. The Luray Planning Commission voted unanimously on July 23, 2008 to approve this request. **Motion:** Councilman Schiro motioned to approve the special use permit as presented, motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Also, at this weekend's Luray Triathlon, Rivers West Bar-B-Q will be serving the participants at Lake Arrowhead. Mr. Rutherford will also allow for concessions to be sold to spectators of the event. Town Attorney, Jason Spitler, noted that such vendors operating at Lake Arrowhead will be required to enter into a contract with the Town in order to comply with the Town Code. Town Council would like to see that all vendors have an equal opportunity to serve such a large event in the future. **Motion:** Councilman Menefee motioned to permit the Town Manager and Town Attorney the authority to draft and execute a contract with Rivers West Bar-B-Q for the Triathlon event, motion seconded by Councilwoman Shifflett with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Ronnie Jenkins & Chris Avery (TM# 42A12-A-10)

The applicants are seeking a special use permit in order to construct two (2) single-family dwellings in a B1 zoning district. In a B1 zoning district single-family dwellings are only allowed by means of a special use permit. The parcel is located in close proximity to the intersection of Brumback Avenue and East Main Street. Town Staff feels that the residential dwellings would be the best use of this vacant parcel. On July 23, 2008, the Planning Commission voted unanimously to approve the request. **Motion:** Councilman Arrington motioned to approve the special use permit request form Ronnie Jenkins & Chris Avery, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

CONSENT AGENDA

Motion: Councilman Lancaster motioned to approve the Consent Agenda, motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Consent Agenda

- A) *Minutes of July 14, 2008 Regular Council Meeting*
- B) *Financial Report for the period June 1-31, 2008*
- C) *Accounts payable checks totaling \$ 215,086.33*
- D) *Minutes of July 16, 2008 Planning Commission Work Session (Info. Only)*
- E) *Minutes of July 23, 2008 Planning Commission Regular Meeting (Info. Only)*
- F) *Minutes of August 5, 2008 CDBG Downtown Façade Project- Phase II (Info. Only)*

GENERAL CITIZEN COMMENTS

A) Sharon Baroncelli: American Red Cross

Ms. Baroncelli came before Council and Staff to introduce herself as the new director of the Shenandoah County Red Cross. The Shenandoah County Red Cross will serve both Shenandoah and Page Counties. Ms. Baroncelli presented Council with informational packets and discussed the various services offered by the Chapter.

B) John Rogerson: Page County Citizen/ PACA

Mr. John Rogerson, PACA member, addressed Council regarding the need for alcohol/drug prevention and awareness in Page County. Mr. Rogerson is requesting the Town's support in these efforts and would like for all Towns and the County of Page to collaborate in the efforts to reduce drug and alcohol among both adults and teens.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Assistant Town Manager, Bryan Chrisman, presented the monthly report for LDI. He presented Council with informational packets and advised of upcoming events.

Airport Commission

Mr. Powell Markowitz updated Council on the T-Hangar Project. He noted that the construction has begun and Mr. Markowitz hopes to see all hangars rented before construction is completed. Also, the commission has offered Mr. Leonard Jenkins a contract for land purchase and would like for Council to take action on the proposed contract for this property. Mr. Markowitz suggested that he would like to see one public hearing held for all Airport Capital Improvement plans rather than many separate public hearings. Also, Mr. Markowitz stressed the need to finalize the hangar lease agreements so that hangar rentals can be endorsed.

DEPARTMENTAL REPORTS

POLICE- PUBLIC SAFETY AND EMERGENCY SERVICES COORDINATOR'S REPORT

Chief Campbell reviewed his monthly departmental report and noted 70 arrests for July 2008 and 651 total arrests year to date. Chief Campbell advised Council and Staff that new digital cameras had been ordered for the patrol vehicles and will be installed upon arrival. Also, Mr. Campbell reviewed a letter he recently received commending his staff.

PARKS AND RECREATION

Director of Parks and Recreation, Pat O'Brien, notified Council that the Bluemont Concert Series has been scheduled for four consecutive Saturdays; beginning on August 23, 2008. Also, Mr. O'Brien updated Council on the progress with the American Legion Tennis Court renovation. Pat advised Council of the upcoming Luray Triathlon to be held this weekend at Lake Arrowhead. A total of 1100 participants

have registered for the event. Also, he noted that the Greenway Phase IV construction continues and is moving quickly as paving nears completion. Lastly, Mr. O'Brien gave a power point presentation on the prospective skate park. The presentation highlighted the location, cost estimate, and funding options. Overall, the Town Council and staff agreed that the best location for the facility would be at the recreation park.

Councilman, William Menefee, asked for an update on the Dean Recreation Park sign. Assistant Town Manager, Bryan Chrisman, stated that the design needed to be finalized and that fabrication would take additional time.

PUBLIC WORKS DEPARTMENT

Assistant Town Manager, Bryan Chrisman, reported that the public works department repaired seven water leaks for the month. Also, the department responded to eight sewer calls. Upcoming projects for the public works department will include junk collection, brush collection, sign repairs, and trimming roadsides.

Councilman Menefee noted that he would like to see old or duplicate signs removed. He suggested that Council and Staff make a list of any signs they observe and report back at the next council meeting.

WASTEWATER TREATMENT DEPARTMENT

Mr. Charlie Hoke, Director of Utilities, noted full compliance for the month. Also, he reported updates on the Water Filtration Plant and Wastewater Treatment Plant upgrades. He noted that excavation is currently completed for the Water Treatment Plant. Mr. Hoke also suggested to Council that he would like to see any residual funds from these projects allocated for improvements to the Forest Hills booster station. Council agreed that this is one of the stations that most needs improvement. Mr. Hoke would like to see Reid Engineering perform the design work for this improvement.

TOWN PLANNER'S REPORT

Town Planner, Ligon Webb, advised Council and Staff that there will be one public hearing for the upcoming commission meeting concerning a rezoning issue. The Commission is still working on several ordinance issues; one issue is in regards to the size of accessory buildings. Mr. Webb proposes an ordinance that would allow for an accessory building to cover 2% of the lot size.

Mr. Webb also updated Council on the Recycling developments. A town owned parcel on Furnace Road is the suggested site to house collection bins. Councilman Lancaster reminded staff that this area is in the flood plain and perhaps a more suitable location could be found. Councilman Racer suggested using the location temporarily in order to begin the recycling program while continuing to search for a permanent location. Mr. Webb presented Council with a logo design and advised that he has a route schedule prepared. Also, Mr. Webb will be obtaining the household containers from George's Chicken at a minimal cost.

OLD BUSINESS

Airport Hangar, Interim Finance Resolution

Town Manager, Rick Black, notified Council that an initial offer from SunTrust Bank for interim financing has been withdrawn.

Luray Heights, Phase I- Final Plat

Town Planner, Ligon Webb, presented the Final Plat for Luray Heights. The Planning Commission approved this at the April 2008 meeting. Town Manager, Rick Black, stated that he would like more time to review this as materials were just received earlier this afternoon. Councilman Racer suggested tabling the vote until the next meeting to allow more time for review. Mr. Webb advised Council that there should be no issues that could not be resolved with the developer and a conditional approval would be suitable. **Motion:** Councilman Racer motioned to table the Luray Heights Final Plat until next council meeting; motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Shifflett, Lancaster, Schiro, Racer; NAY: Arrington, Menefee. **Approved 4-2**

Airport Commissioner

Mayor Presgraves announced that Councilman Arrington has volunteered to serve on the Airport Commission. **Motion:** Councilman Racer motioned to approve the appointment of Lonnie Arrington to the Luray-Page County Airport Commission, motion seconded by Councilwoman Shifflett with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

NEW BUSINESS

Forest Hills Booster Station

Motion: Councilman Schiro motioned to allow up to \$10,000 for a design study by Reid Engineering for improvements to the Forest Hills Booster Station, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Recycling Site

Motion: Councilman Racer motioned to approve the special use permit for the site on Furnace Road to be used for temporary storage for recycled materials until a better location can be found, motion seconded by Councilwoman Shifflett with the vote as follows: YEA: Council Members Shifflett, Menefee, Lancaster, Schiro, Racer. NAY: Arrington **Approved 5-1**

Skate Park

Motion: Councilman Schiro motioned to authorize staff to proceed with the project and if the Town Manager feels that there are ample funds in the Recreation Park Development Budget to accommodate up to \$31,000 with the understanding that staff will pursue grant funding and solicit donations to help fund the project to be located at the Ralph H. Dean Recreation Park, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Planning Meeting

Town Council Members decided to schedule a planning session for September, 15, 2008 beginning at 9:00am, the location is to be announced.

Resolution Addressing Transportation in Virginia

Town Manager, Rick Black, presented Council with a resolution that was adopted by Page County. Carol Lee Strickler, Page County Board of Supervisors, has proposed that all towns within the County adopt this resolution and send to their State Legislators. Council took no action on this resolution at the evenings meeting.

Uncle D's Pools and Spas: Lake Arrowhead Fishing

Town Manager, Rick Black, reviewed a request from Darris Ritenour, owner of Uncle D's Pools and Spas. Mr. Ritenour would like to sell Lake Arrowhead fishing licenses at his store. The store currently sells fishing items and feels that the store would be a good location to sell the licenses. **Motion:** Councilman Schiro motioned to allow Uncle D's Pools and Spas to sell Lake Arrowhead Fishing Licenses; motion seconded by Councilman Menefee with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Town Events

Town Manager, Rick Black, asked Council for direction on marketing events that are sponsored by the Town. Mr. Black stated that the Town currently is not doing nearly enough to market/promote all of the events that are going on in Town. Council agreed to discuss this at the upcoming planning session.

Councilman Lancaster advised the Town Manager of a PALS Grant opportunity for advertising. Councilman Lancaster would like to see the Town sponsor 1/3 of the cost in conjunction with the Chamber of Commerce and PALS. **Motion:** Councilman Lancaster motioned to authorize \$1700 for a 1/3 participation in the PALS Grant, motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Tom Potts, Planning Commissioner, stated that guests of the Town need to receive more information prior to their stay regarding all of the cultural performances that are happening downtown.

VRS Resolution

Town Manager, Rick Black, advised Council that a resolution needs to be made to reaffirm the Town's Commitment to the Virginia Retirement System. **Motion:** Councilman Schiro motioned to pass the resolution for the Virginia Retirement System, motion seconded by Councilwoman Shifflett with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

TOWN ATTORNEY

Town Attorney, Jason Spitler, noted that all ordinances for the new appointments to commission and committee members had been submitted to the Town Clerk. These are set for approval in circuit court tomorrow morning.

Also, Mr. Spitler provided the Town Council with the Vacation of a Public Right-of-Way for David and Laurie Ryman and the deed that provides for that parcel and the parcel previously owned by the Ryman's be considered one single parcel for zoning purposes. **Motion:** Councilman Racer motioned to approve the vacation of right-of-way as presented, motion seconded by Councilwoman Shifflett with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

EXECUTIVE SESSION

Personnel, Section 2.2-3711.A.1

Property Acquisition, Section 2.2-3711.A.3

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

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing Personnel, Section 2.2-3711.A.1; Property Acquisition, Section 2.2-3711.A.3; Investment of Public Funds, Section 2.2-3711.A.6. Councilman Racer motioned to recess the regular session and to convene in executive session; Councilman Menefee seconded the motion with the following members voting YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, and Racer. **Approved 6-0**

After reopening the work session, Council agreed that only the stated items were discussed during the Executive Session.

MAYORS ANNOUNCEMENTS

Mayor Presgraves thanked the Council for their calls, visits, and concern during his recent injury.

ADJOURN

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 10:20 pm.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer