

**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF LURAY, PAGE COUNTY, VIRGINIA
Monday, April 13, 2009**

The Luray Town Council met in regular session on Monday, April 13, 2009 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 Spidler, Town Attorney
Mary Broyles, Clerk-Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Ligon Webb, Town Planner
Page Campbell, Chief of Police
Lynn Mathews, Superintendent of Public Works
Charlie Hoke, Director of Utilities
Catherine Stewart, Luray Downtown Initiative
Karen Riddle, Luray Page County Chamber of Commerce
Powell Markowitz, Luray-Page County Airport Commission
Kenneth Painter, Luray-Page County Airport
Luther Johnson, Page News and Courier
Chris Price, NSVRC
Members of the Luray Planning Commission
Members of the Luray Tree and Beautification Committee
Pat Racey, Luray Little League
Nathan Strickler, Luray Little League
Gerald Dovel, 87 Gap View Lane, Luray
Dixon Freeland, 133 S Court Street, Luray

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 Menefee with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Consent Agenda

- A) *Minutes of March 9, 2009 Regular Council Meeting*
- B) *Minutes of March 24, 2009 Work Session*
- C) *Financial Report for the period March 1-31, 2009*
- D) *Accounts payable checks totaling \$ 277,645.19*

PUBLIC HEARING

Accessory Dwelling Unit

Town Planner, Ligon Webb, stated that the Accessory Dwelling Unit Ordinance has been publically advertised. After the last meeting, most concerns seemed to be related to the potential for ADU's being permitted in the R-1 Zoning District. Mr. Webb proposes eliminating ADU's from both R-1 and R-5 zoning districts. Also, Mr. Webb noted that a supplemental regulation has been added to read that "no more than two (2) individuals can reside in an accessory dwelling unit at any given time. Mr. Webb emphasized that the Accessory Dwelling Unit is only permissible by Special Use Permit. Also, Mr. Webb highlighted that this ordinance amendment only applies to existing structures, constructed prior to December 31, 2008. Mr. Webb stated that the ordinance specifies that the ADU be a minimum of 700 square feet. Councilman Arrington questioned why zoning district B-1 was eliminated from the ordinance. Mr. Webb felt that the B-1 district could be added at a later time and that there were some good possibilities for ADU's in the B-1 district. Councilman Schiro expressed concerns for the expansion of accessory buildings to be used for the purpose of an ADU. Mr. Schiro and Mr. Webb concurred that the limitation could be set that the ADU be no larger than 50% of the square footage of the primary dwelling. As well, Mr. Schiro stated that the limitation could read that the accessory dwelling unit not exceed the original footprint of the structure. Councilman Lancaster expressed concern over the limitation of the ordinance to existing structures prior to December 31, 2008.

Mayor Presgraves opened the public hearing portion of the meeting for citizen comments.

Gerald Dovel, 87 Gap View Lane, Luray -

Mr. Dovel stated that he owns several properties in the Town of Luray and has multiple objections. Mr. Dovel feels that some of his concerns have been relieved with the elimination of the R-1 zoning district. However, he emphasized that the R-1 and R-2 zoning districts have been established purposely and asks Council to act cautiously in moving forward with this amendment. With no other comments from the public, Mayor Presgraves closed the public hearing.

Councilman Menefee suggested the potential for excluding the R-2 zoning district from the amendment also. Councilman Lancaster agreed with Councilman Arrington that perhaps the Business Zoning District is a more appropriate area. Mayor Presgraves asked Council if they would like to vote on the issue or table it until the next meeting. Councilman Racer suggested that the issue be tabled, as the Ordinance was not properly prepared with all of the changes Council discussed. Councilman Lancaster advised that this is costing a great deal of money each time the public hearing has to be advertised. Mr. Webb noted that re-advertising would not be needed so long as substantial changes were not made. Town Attorney, Jason Spitler, concurred with this decision. Mayor Presgraves concluded the discussion by asking Mr. Webb to bring this back to Council at the next work session meeting with the suggested revisions.

GENERAL CITIZEN COMMENTS

Vickie Pitts- Luray Tree and Beautification Committee

Ms. Vickie Pitts, on behalf of the Luray Tree and Beautification Committee, reminded Council members of the Arbor Day Celebration on Phase IV of the Greenway. She stated that the celebration would begin at 1:00pm on April 18th and hopes that all will be able to attend.

Dixon Freeland- Luray Tree and Beautification Committee

Mr. Dixon Freeland spoke with concern for the vandalism that has occurred on the Greenway. Mr. Freeland suggested that the Luray Police Department increase foot patrols along the trail.

Chris Price- Northern Shenandoah Valley Regional Commission

Mr. Price, Executive Director of NSVRC, discussed items on the work list for the coming year. Mr. Price stated that the chief activity for the commission will be in regards to the state's water supply plan. He noted that this will be a regional plan and he is working with town staff to collect data in preparation for the plan. Also, Mr. Price discussed transportation planning and how it will be affected by VDOT cutbacks. Also, in regards to transportation, he cited transit planning which will identify private and public transit providers within our region. Lastly, Mr. Price stressed the Page County broadband project as a priority. He concluded his discussion by stating that NSVRC will continue working through town staff to promote these regional priorities and to continue the lines of open communication.

Pat Racey- Luray Little League

Mr. Pat Racey spoke on behalf of the Luray Little League with updates on the state tournament coming later this summer. Mr. Racey confirmed that there will be an age 9/10 Tournament in July 2009 to be held at the Ralph H. Dean Recreation Park. Mr. Racey spoke enthusiastically about this opportunity for the Town to host the event.

Mr. Racey also gave Council members updates on the concession stand improvements that have occurred at the park. He noted upcoming projects that include new dugouts and painting work. Mr. Racey reminded Council of the opening day for Little League to be held on April 18th, 2009 which will follow the Ralph H. Dean Recreation Park Dedication Ceremony.

Lastly, Mr. Racey spoke concerning the foul language and behavior occurring near the skate park facilities. Mr. Racey asked for guidance in how to handle these matters and requested that the Luray Police Department increase their patrols of the area. Chief Campbell stated that his officers are presently patrolling the area but will continue to monitor the situation. Councilman Arrington suggested that Parks and Recreation employees monitor the area. Mr. Nathan Strickler, Luray Little League, stated that primarily these issues involve the same offenders. Mayor Presgraves concluded the discussion by suggesting that this be discussed further with Rick Black, Town Manager and Parks and Recreation Director, Pat O'Brien to implement a solution.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Catherine Stewart, Executive Director, displayed two awards received by LDI at the recent Virginia Mainstreet Awards Ceremony. Also, Ms. Stewart recapped the recent volunteer recognition dinner where the new downtown t-shirts were presented. Council was also provided with a packet of information for upcoming events including the visitors from France and Festival of Spring.

Airport Commission

Mr. Powell Markowitz updated Council on the T-Hangar Project and expects all paving to be completed within the next two weeks. Also, Mr. Markowitz informed Council that Page County has given the EDA the authorization to continue with loan procedures. He feels that everything is on schedule with the loan process and settlement should occur in June 2009. Mr. Markowitz reiterated that he is aware that neither the Town nor County wants to spend additional funds at this point. However, Mr. Markowitz stated that he will continue to pursue grant funding that requires zero matching dollars be spent. Lastly, he reminded Council of the Luray Page County Airport Commission meeting to be held on Thursday, April 16th at 6:00pm.

Luray/Page County Chamber of Commerce

Karen Riddle, Executive Director, provided Council with a Power Point Presentation illustrating how the Chamber is working diligently for the community.

DEPARTMENTAL REPORTS

POLICE- PUBLIC SAFETY AND EMERGENCY SERVICES COORDINATOR'S REPORT

Chief Campbell provided his monthly report for Council and informed of 46 arrests and 289 total calls for service for the month of March. Chief Campbell read aloud a letter he had received commending the actions of Officer Ira Gochenour. Lastly, Chief Campbell commented on the vandalism on the Greenway; some offenders have been caught and prosecuted. He also informed Council that patrols of the area have been increased and will continue.

PARKS AND RECREATION

Rick Black, Town Manager, stated that the Parks and Recreation monthly report could be found in Council's packet. He told Council of the recent Youth Trout Fishing Tournament which attracted 160 participants. Mayor Presgraves complemented the success of the event.

PUBLIC WORKS DEPARTMENT

Lynn Mathews, Superintendant of Public Works, reported that the public works department repaired four water leaks for the month. Also, the department completed two major water projects. The department

responded to six sewer calls in the last month. Mr. Mathews notified that his department will be repairing the water line on Springcrest Drive and installing service for the Farmers Market in the coming month. In the coming month, the department will be completing the spring junk collection and begin brush collection. Lastly, Mr. Mathews stated that the department will continue work on the storm drainage program, street signs, mowing, and road shoulder repairs.

WASTEWATER TREATMENT DEPARTMENT

Charlie Hoke, Director of Utilities, noted that the Waste Water Treatment Plant contract document signing will take place on Thursday, April 16th. Mr. Hoke told Council that the wastewater treatment plant was compliant with all regulations for the month.

Mr. Hoke stated that all distribution samples came back negative. Regarding the Water Treatment Plant, Mr. Hoke stated that there are no anticipated delays. Also, the Hudson Spring Pump was replaced earlier today.

TOWN PLANNER'S REPORT

Town Planner, Ligon Webb, stated that the Planning Commission will be working on reviewing the sign ordinance provisions. Mr. Webb plans to have a full presentation on the recycling program for the June Council meeting. Concerning recycling, he noted that there is increasing participation in the program amongst businesses.

OLD BUSINESS

Luray Caverns Airport (J. Sanders - Payment # 10)

Motion: Councilman Lancaster motioned to approve Pay Request # 10 from J. Sanders Construction, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Main Street Deck Project

Town Manager, Rick Black, reviewed recent meetings with Racey Engineering concerning the Main Street Deck Project. Mr. Black noted that the estimated costs are not favorable. Mayor Presgraves inquired on the status of the transfer of ownership for the parcel. Mr. Black stated that he has verbal confirmation from all property heirs and that the Town Attorney is preparing the necessary paperwork. Councilman Racer stated that it is not financially feasible to undertake the entire project currently. However, he would like to see the area receive some degree of cosmetic improvements for the time being. Mr. Racer noted that regardless of what degree of work is done; the permitting phase of the project will cost approximately \$30,000 up front.

NEW BUSINESS

Utility Service Communications Company

Town Manager, Rick Black, stated that Utility Services is the parent company that performs the town's annual water tank maintenance. The Utility Service Communications Company has provided information regarding the potential for revenue by allowing cell phone towers to be installed atop the water tanks.

Councilman Schiro concurred that this does have the potential for revenue earnings. However, he stated that the Town should be cautious when entering into any such projects as they may require franchise agreements.

Event Sign

Town Manager, Rick Black, stated that based on the last work session, a vote would be needed to proceed with the event sign. He reminded that in Council's packet there was a design rendering of the event sign. Councilwoman Shifflett would like to see the issue tabled until the Luray Passenger Station is completed and the Chamber of Commerce/Visitors Center is up and running in the new location. Ms. Shifflett feels that there will be a better sense for the need of the sign at that time. Also, Councilwoman Shifflett concurred with Councilman Lancaster that most all events are already posted on the event sign located on the BB&T Center for the Performing Arts. Councilman Arrington questioned the location of the proposed sign. Mr. Black stated that the intended location would be directly across from the old Ford Motor Company location on Route 340 Business. Mayor Presgraves stated that the design rendering is concurrent with the Wayfinding design and he feels that an event sign is needed. Councilman Lancaster stated that he feels Route 340 is already overpopulated with signage. Councilman Racer feels the intended location is best due to the lower speed limit. After further discussion from Council, Mayor Presgraves asked for direction on the topic.

Motion: Councilwoman Shifflett motioned to table the decision on the event sign for 30 days; motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster NAY: Menefee, Schiro, Racer. **Tied: 3-3.** With a tied vote, Mayor Presgraves voted NAY. **Denied 4-3.**

Motion: Councilman Racer motioned to install the event sign as presented, motion seconded by Councilman Menefee with the vote as follows: YEA: Council Members Menefee, Schiro, Racer NAY: Shifflett, Arrington, Lancaster. **Tied: 3-3.** With a tied vote, Mayor Presgraves voted YEA. **Approved 4-3.**

TOWN ATTORNEY'S REPORT

EXECUTIVE SESSION

Consideration of the disposition of publicly held real property. Section 2.2-3711.A.3

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

Motion: Councilman Racer motioned to adjourn the closed session and to reconvene in open session; Councilman Arrington seconded the motion with the following members voting YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, and Racer. **Approved 6-0**

After reopening the meeting, Council agreed that the only item discussed was the consideration of the disposition of publicly held real property during the Executive Session.

MAYOR'S ANNOUNCEMENTS

Mayor Presgraves concluded the evenings meeting with several announcements; the events scheduled for April 18th, including Arbor Day and the dedication for the Ralph H. Dean Recreation Park and the Earth Day Celebration to be held on April 25th. Lastly, Council and Staff discussed the simultaneous events of the Stanley Homecoming Parade and the Luray Fourth of July Celebration. Councilwoman Shifflett reminded of the upcoming VML Towns meeting.

ADJOURN

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 9:23 pm.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer