

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

MONDAY, JULY 11, 2011

The Luray Town Council met in regular session on Monday, July 11, 2011 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
Lonnie Arrington
Mary Menefee
Leroy Lancaster
Jerry Schiro
Earl Racer**

**Also Present: Rick Black, Town Manager
Bryan Chrisman, Assistant Town Manager
Mary Broyles, Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Jason Spitler, Town Attorney
Ligon Webb, Town Planner
Page Campbell, Chief of Police
Charlie Hoke, Director of Utilities
Pat O'Brien, Director of Parks and Recreation
Liz Lewis, Luray Downtown Initiative
Briana Campbell, Luray-Page County Chamber of Commerce
Terry Dodson, Luray Little League
Powell Markowitz, Luray Page County Airport Commission
Pam Flasch, Luray Bicentennial Committee**

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

CONSENT AGENDA

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

Consent Agenda

- A) Minutes of June 13, 2011 Regular Council Meeting.*
- B) Minutes of June 28, 2011 Work Session.*
- C) Financial Report for the period June 1 –30, 2011.*
- C) Accounts payable checks totaling \$ 270,889.22.*

GENERAL CITIZEN COMMENTS

Pam Flasch- Luray Bicentennial

Ms. Flasch updated Council on the Luray Bicentennial Committee. She said that at the recent town forum meetings a lot of interest and ideas were received. She advised Council that she has begun work on an events listing and noted that Mr. Charles Butler uninitiated the concept of having some sort of event represent each calendar month. Ms. Flash highlighted some suggestions for February and May, such as a downtown parade and the Festival of Spring in May 2012. Councilwoman Menefee thanked Ms. Flasch for her work on this committee. Councilman Vickers asked who the core members of the committee were. Ms. Flasch said that the committee will be made up of men and women who volunteer to coordinate specific events.

Terry Dodson- Luray Little League

Mr. Dodson spoke before Council to update members on the upcoming tournament events. Mr. Dodson asked Council members to sign up if they would like to volunteer to be a host to one of the participating teams. He advised Council that the league was hoping for as many as sixteen teams in total. Mayor Presgraves asked Mr. Dodson to explain what is involved in being a host for one of the teams. Mr. Dodson explained that when the teams arrive at their hotel the host will meet with them. While the teams are in town the host will serve as a resource to the team for questions, etc.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Liz Lewis thanked Council for their annual contribution to Luray Downtown Initiative. Ms. Lewis cited that the LDI office has not yet moved to the Depot location. She advised that while she hopes the move will take place soon, LDI has already lessened its rent expense at the current location by downsizing the office space. Ms. Lewis said that LDI is taking steps to re-evaluate the annual Toast & Boast Event. Ms. Lewis displayed a new downtown rack card for Council to review. Pat O'Brien, Director of Parks and Recreation, suggested getting the rack cards out to hotels before the Little League Tournament begins. Ms. Lewis advised Council and Staff that the new LDI website will be available

soon; the web address will be changed to www.downtownluray.com . She also discussed other business items for LDI, including volunteers, grant projects, Evenings on Main Concerts, and the July 4th Event.

Councilman Schiro questioned the status of the office move to the Luray Depot. Town Manger, Rick Black, explained that he is still waiting on approval from VDOT. He explained that all aspects of the building must be approved by VDOT due to grant funding, as the office space is located in Phase 4 of the grant project. He emphasized that any plans which change the interior of the space or space plan must be designed by the architect and approved by VDOT.

Lastly, Councilman Schiro said that he will be stepping down from the LDI Board of Directors and that Councilman Vickers will be filling his position.

Luray/Page County Chamber of Commerce

Ms. Briana Campbell reviewed the statistics for June, citing 659 local calls, 428 local walk-ins, 713 tourist calls, and 2192 tourist walk-ins. Ms. Campbell said that the next Chamber event will be the Business Networking Breakfast featuring a guest speaker and catered breakfast. She advised Council and Staff that the upcoming Business After Hours will be held next Thursday at the Lord Fairfax Community College. Co-hosting the event with LFCC will also be Old Dominion University and Farmers and Merchants Bank. The event will celebrate the success of LFCC in Page County. Lastly, Ms. Campbell suggested completing the survey for the new Chamber website. The survey is part of the process of designing the new website. Ms. Campbell told Council members that she recently provided a tour of Page County to representatives of the web design company.

Airport Commission

Mr. Powell Markowitz advised Council members that five hangar units remain open for lease. He said that some inquiries have been received on these and that he is still hopeful that a mechanic can be found to occupy some of the available space. Mr. Markowitz said that the commission is still negotiating on a piece of property at the airport. He explained that in 2007 the airport was given an FAA Grant for land acquisition and that the commission does not want this funding to expire. Mr. Markowitz said that the grant would cover all costs except for about \$300 each for the Town and County. However, Mr. Markowitz explained that the actual cost would be zero, with the airport funds paying the Town and County share.

Motion: Councilman Schiro motioned to approve Amendments No.15 and No.5 to the Airport Grant agreement, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Councilman Vickers asked if any modifications had been made to the hangar structure for a mechanic. Mr. Markowitz said that no improvements have been made yet. He also hopes to work on getting a jet fuel tank installed to accommodate other aircrafts.

DEPARTMENTAL REPORTS

POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES

Police Chief, Page Campbell, stated that there were 115 arrests for the month of June, with 40 arrests being on one individual. He added that this number saw an increase due to increased radar and the Click-It-Or-Ticket campaign. He advised Council that the speed trailer has also been utilized in all problem areas over the last month.

Councilwoman Menefee asked how the number of arrests for the month compared to last year. Chief Campbell said that criminal arrests were up somewhat but overall numbers increased due to grant funding.

PARKS AND RECREATION

Pat O'Brien, Director of Parks and Recreation, said that overall the July 4th Event went well despite rainy weather. He said that everyone seemed to especially enjoy the fireworks display. He noted that the department was gearing up for the upcoming Little League Tournament, bike race event, and Luray Triathlon.

Councilman Lancaster inquired about the Bluegrass plaque that is located at Ruffner Plaza. Town Manager, Rick Black, reminded Council members that they approved the plaque and its location at the May 9, 2011 Council Meeting. Councilman Lancaster said that he did not like the sign and that the location was not a good choice. Mr. Lancaster questioned why the sign was put there. Director of Parks and Recreation, Pat O'Brien, said that the monument is not conducive with the overall look of the Greenway. He said that the rock base of the monument is a more rough texture and is not the same look as other monuments along the trail.

Councilman Vickers inquired about the recent volunteers from Elon College. Mr. O'Brien said that this is an annual volunteer project from freshmen students at Elon College. He advised Council that the volunteer work is part of a three day stay at Lake Arrowhead and that this portion of their visit is their community service project. He said that the students have done a good job in their volunteer work.

PUBLIC WORKS DEPARTMENT

Town Manger, Rick Black, said that Lynn Mathews was out on vacation and that there would be no report given.

WTP AND WWTP

Charlie Hoke, Director of Utilities, stated that the Water Treatment Plant is running as designed and that all samples in the distribution system came back negative.

Mr. Hoke said the Wastewater Treatment Plant has received the first of five pumps. He advised Council that Patterson Construction will begin installation on the pump tomorrow morning. He said that the additional four pumps will arrive once the initial pump proves effective. Mr. Hoke advised Council that the wastewater plant is in full compliance. Councilman Lancaster asked how long it would take to find out if the initial pump is working. Mr. Hoke said that it would not take long, a week or two at most.

Mr. Hoke advised Council members that Faulconer Construction has said that the warranty on the pumps will start as soon as all pumps are operational.

PLANNING

Town Planner, Ligon Webb, advised Council members that the Planning Commission did not meet in June. He said that the July meeting has been pushed back one week due to vacations and various conflicts. Mr. Webb said that the commission will have one public hearing scheduled for Wednesday, July 20th. The commission will hear public comments concerning changes to the town code for electronic offices, home occupations, and professional offices.

The Planning Commission will also be discussing amendments to the town code relating to livestock. Mr. Webb advised that there was nothing in the current code on this and that he hopes to have a recommendation for Council at the August meeting. Council members recalled there being language in the town code at one time that related to livestock; however, the current code does not address this.

Mr. Webb told Council that he has met with Pat Racey, Racey Engineering, in regards to the VDOT Six Year Plan. Mr. Webb said that Mr. Racey's information was encouraging concerning the VDOT plan for potential improvements. The potential improvement area involves the Leaksville Road, Northcott Drive, and West Main Street corridor.

OLD BUSINESS

Shentel: Temporary Cell on Wheels

Town Manager, Rick Black, reminded Council members that there were some questions about this request from the last meeting. He advised members that a Shentel representative was invited to attend the meeting; however, a representative was not in attendance. Mr. Black explained that this request will require a special use permit and that the proposed location is near the Page Valley Fairgrounds on the Holtzman property. Mr. Black said that one of the concerns Council expressed was why there is a need for this service. He said that event organizers for the Page County Heritage Festival had estimated an attendance at last year's event in excess of 10,000 people. Mr. Black said he understands that the site was chosen because it provides an electrical hookup for the tower. Town Attorney, Jason Spitler, discussed the current town code regulations on cell towers. Councilman Schiro reminded that FCC regulations will supersede the town code regulations. Mr. Black said that Shentel will apply for a special use permit and will follow due procedures on the request.

NEW BUSINESS

Worker's Compensation Panel of Physicians

Town Manager, Rick Black, advised Council of the listing included in their packets on the panel of physicians for VML worker's compensation. He told Council that VML requires that this panel be voted on annually. Councilman Racer asked if additions could be made to the list during the year. Mr.

Black said that the list can be changed as needed so long as the physician agrees to participate in the VML panel for the town.

Motion: Councilman Racer motioned to approve the Panel of Physicians as presented with additions made to the list as needed, motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

TOWN ATTORNEY

Noise Ordinance

Town Attorney, Jason Spitler, provided the draft Noise Ordinance to Council and said that the draft is identical to the document reviewed at the work session. He said that despite Council's comments, there was no consensus on any alterations to the document. Mr. Spitler pointed out one typo on Page-4 regarding the times stated and said that this would be corrected. Mr. Spitler said that he would like Council's adoption of this ordinance.

Mayor Presgraves asked Chief Campbell if he had reviewed the ordinance. Chief Campbell said that the revisions came out of a decision by the Virginia Supreme Court. He advised Council that documents which were vague in language were not favored by the Virginia Supreme Court. Chief Campbell said that the town has a responsibility to convey to the citizens what they can and cannot do in terms of the ordinance. He advised Council that there are other localities that do not use decibel meters, but rather use the distance measurement. He said the wording states that the complaint must be "plainly audible". The revised ordinance provides the hours and exceptions and avoids vague language. Chief Campbell said that he would suggest one revision to add an exception for an initial warning before a citation is given. Town Attorney, Jason Spitler, said that the warning is probably not a good thing to publicize but more a supervisory matter. Mr. Spitler feels the draft ordinance should be left as is. He reminded Council members that the current ordinance is vague and not in compliance with the Virginia Supreme Court. Chief Campbell stated that he will issue a directive to his officers on how to handle an ordinance, for example allowing an initial warning. Chief Campbell said his concern is that future supervisors may not always handle this matter the same or issue similar directives to staff.

Motion: Councilman Vickers motioned to approve the Noise Ordinance as is with the exception of the typo on Page-4 concerning time, motion seconded by Councilwoman Menefee with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro. NAY: Racer. **Approved 5-1**

VML: FCC Notice of Inquiry

Town Attorney, Jason Spitler, advised Council that VML has asked that all municipalities respond to the FCC's Notice of Inquiry concerning communications systems. The FCC wants the state of Virginia to relax its rules for permitting and installation practices. VML is taking the position that they will oppose this proposal. Mr. Black said that VML has put together a template for localities to modify and forward on.

Motion: Councilman Schiro motioned to authorize staff to draft the document opposing the FCC notice, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

MAYOR'S ANNOUNCEMENTS

Councilman Vickers asked if there were any updates on the proposed development on South Antioch. Mayor Presgraves said that nothing has come before Council on this matter. Mayor Presgraves had no announcements for the evening.

ADJOURN

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 8:11 P.M.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer