

**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF LURAY, PAGE COUNTY, VIRGINIA
Monday, April 9, 2007**

The Luray Town Council met in regular session on Monday, April 9, 2007 at 7:00 p.m. at the Luray Fire Department, Luray, Virginia at which time there were present the following:

Presiding: Mayor Ralph H. Dean

**Council Present: Nancy Shifflett
Lonnie Arrington
William Menefee
Leroy Lancaster
Barry Presgraves
Earl "Rock" Racer**

**Also Present: Rick Black, Town Manager
Bryan Chrisman, Assistant Town Manager
Jason Spitler, Town Attorney
Mary Broyles, Clerk-Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Charlie Hoke, Director of Utilities
Lynn Mathews, Superintendent of Public Works
Page Campbell, Chief of Police
Andrew Jenner/ Jamie Turner, Page News & Courier
Mark Belton, Page County Administrator
Members of the Luray Planning Commission
Members of the Page County Board of Supervisors**

A quorum being present, Mayor Dean declared the Council to be in session for the transaction of business. All present stood to recite the United States Pledge of Allegiance.

CONSIDERATION OF MINUTES

REGULAR COUNCIL MEETING- March 12, 2007

Minutes of the March 12, 2007 Regular Council Meeting were submitted for review. **Motion:** Councilman Presgraves motioned to approve the minutes as presented, motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

COUNCIL WORK SESSION- March 26, 2007

Minutes of the Council Work Session of March 26, 2007 were submitted for review. **Motion:** Councilwoman Shifflett motioned to approve the minutes as presented, motion seconded by Councilman Menefee with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

COUNCIL WORK SESSION- March 30, 2007

Minutes of the Council Work Session of March 30, 2007 were submitted for review. **Motion:** Councilman Racer motioned to approve the minutes as presented, motion seconded by Councilman Presgraves with

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

COUNCIL WORK SESSION- April 3, 2007

Minutes of the Council Work Session of April 3, 2007 were submitted for review. **Motion:** Councilman Lancaster motioned to approve the minutes as presented, motion seconded by Councilman Menefee with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

PLANNING COMMISSION MEETING- March 14, 2007

Minutes of the Planning Commission Meeting of March 14, 2007 were submitted for review of information.

CDBG Management Committee Meeting- April 2, 2007

Minutes of the CDBG Management Committee Meeting of April 2, 2007 were submitted for review of information.

CDBG Management Committee Meeting- March 12, 2007

Minutes of the CDBG Management Committee Meeting of March 12, 2007 were submitted for review of information.

PUBLIC HEARINGS

Public Hearings were held on two major topics requesting special use permits;

- A) SUP 06-07: Christopher Avery & Ronald Jenkins, Tax Map# 42A12-A-10, Townhouses in a B-1 Zoning District
- B) SUP 07-1: County of Page, Tax Map # 42A5-A-79, Regional Jail in an M-1 Zoning District

Mayor Dean turned the meeting over to Town Planner Ligon Webb who advised council and guests that both topics for the evening's public hearing require that a special use permit be issued from the Town of Luray. The first subject is a .495-acre parcel (Tax Map #42A12 (A) 10) located on Brumback Avenue; north of the intersection of Brumback Avenue and East Main Street. The address of this property is 4 Brumback Avenue. The applicant is seeking a special use permit to construct single family town homes. The planning commission voted on February 21, 2007 to deny this request with a 6-0 vote. Planning commission members expressed numerous concerns involving traffic.

Mr. John R. Williams III and Mr. Mike McDonald, both Luray Citizens, were on hand to emphasize their concerns on this topic. Both citizens are residents of Brumback Avenue and expressed concerns over traffic, speeding, narrow roadway, and the general integrity of this neighborhood.

Motion: Councilman Presgraves motioned to deny the Brumback Avenue request for Special Use Permit to construct town homes due to safety concerns, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

The second special use permit of the evening comes from the County of Page. The subject is a 33.76 acre parcel (Tax Map #42A5 (A) 79) located on the north side of Stoney Brook Lane and south of US Route 211. The site is north of the EMCO Enterprises manufacturing facility. The County of Page is seeking a special use permit in order to construct a regional jail facility in a M1 Industrial zoning district.

The Luray Planning Commission voted 6-0 to deny the request for a special use permit on March 14, 2007. The commission expressed support for the regional jail concept, but the commission did not support the proposed site because a significant portion of the proposed location is located in a floodplain.

Before any public comment two council members announced that they would abstain from discussion or a vote on this topic. Councilman Arrington submitted in writing for the record his decline to vote on the topic due to him and his wife's employment with the County of Page. Councilman Racer also declined from discussion or voting due to a family member's employment with the Page County Emergency Services.

County Administrator, Mark Belton, gave a power point presentation on the regional jail before the floor was opened for comments/questions. Councilman Barry Presgraves raised concerns regarding the floodplain and fill-soil quality. The following citizens were present at the evenings meeting to speak on this issue: Mr. John Case, Mr. John Williams, Mr. Gerald Painter, Mr. Robert Brill, and Ms. Nancy Waldo. All of these citizens spoke in opposition to the regional jail. Mayor Dean then closed the public hearing portion of the meeting.

Councilman Barry Presgraves thanked the members of the Luray Planning Commission for their hard work and research on this topic. **Motion:** Councilman Presgraves motioned to deny the request from the County of Page for a special use permit for the purpose of constructing a regional jail, motion seconded by Councilman Menefee with the vote as follows: YEA: Council Members Shifflett, Menefee, Lancaster, Presgraves. **Approved 4-0** Members abstaining from vote: Council Members Arrington, Racer.

GENERAL CITIZEN COMMENTS

Ms. Judy Bell was present at the evenings meeting to present a request for Alley Dedication between Fifth and Sixth Streets for Mr. James Beatty. Town Manager, Rick Black, advised Ms. Bell that this topic would be advertised for public hearing at the May Council Meeting.

Jill Keihn and Charles Newton were in attendance to present their request from the Virginia Department of Conservation & Recreation for a Nutrient Reduction Mini-Grant. The grant application proposed planting trees along one mile of the Hawksbill Greenway working with local volunteers in the Spring of 2007. The DCR must have acceptance from the Town of Luray of the grant award through council action. **Motion:** Councilman Arrington motioned to accept the DCR grant funds, motion seconded by Councilwoman Shifflett with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

TOWN CLERK/TREASURER'S REPORT

Treasurer's Report of Cash on Hand as of April 9, 2007:

| | |
|----------------------------|-----------------------|
| Sun Trust Bank: | |
| General Fund Account..... | \$ 3,598,015.34 |
| Cash on Hand: | \$ 0 |
| Total: | \$ 3,598,15.34 |

Mary Broyles, Town Clerk/Treasurer submitted to Council for approval, Accounts Payable invoices in the amount of \$ 133,362.56. **Motion:** Councilman Racer motioned to approve payment of the invoices as presented; motion seconded by Councilman Presgraves with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

TOWN MANAGER'S REPORT

Town Manager, Rick Black, noted that all items for his report were located under Old & New Business.

TOWN ATTORNEY'S REPORT

Town Attorney, Jason Spitler, noted that he had nothing further this evening.

DEPARTMENTAL REPORTS

POLICE- PUBLIC SAFETY AND EMERGENCY SERVICES COORDINATOR'S REPORT

Chief Page Campbell updated council on the department's progress regarding the code enforcement of 911 addresses. Officer John Brice was on hand to address council regarding code enforcement issues. He noted that currently he is working on 911 address compliance and in areas that have been covered he has encountered 100% compliance. Officer Brice is also working on enforcing yard sale permits.

PARKS AND RECREATION

Pat O'Brien, Director of Parks and Recreation, could not be present for the evenings meeting due to a death in his family. Assistant Town Manager Bryan Chrisman reviewed Pat O'Brien's report which included updates on Greenway clean-up, the Triathlon, and Jamestown 2007 projects.

PUBLIC WORKS DEPARTMENT

Public Works Director, Lynn Mathews reported that all of the monthly water samples checked out OK. The department made one new water and one new sewer tap. Also, the department repaired four water leaks over the last month. Upcoming projects for his department will include Spring trash and brush collections.

WASTEWATER TREATMENT DEPARTMENT

Charlie Hoke, Director of Utilities, noted full compliance for the month and gave updates from Patton, Harris, and Rust Associates. He indicated that Reid Engineering of Fredericksburg was awarded the contract to develop a PER for the required sewer plant upgrades.

TOWN PLANNER'S REPORT

Town Planner, Ligon Webb, reported that there would be one public hearing held at Wednesday's Planning Commission meeting regarding a request from Allen Louderback for the construction of a single family home. Mr. Webb also updated council on the survey results and noted that a rough draft of the comprehensive plan should be ready by mid May.

OLD BUSINESS

Mr. Black notified Council that a resolution is needed to adopt the revisions to the existing portion of the grant program regarding the CDBG Revolving Loan Fund.

Motion: Councilman Racer motioned to approve the Micro-enterprise Loan Program Guidelines, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

NEW BUSINESS

Mr. Black stated that once a year council must adopt a CDBG Support Resolution and advertise the resolution in the Page News and Courier. **Motion:** Councilman Racer motioned to accept the CBBG Support Resolution, motion seconded by Councilman Presgraves with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

Town Manager, Rick Black, addressed the topic of the Luray 2007 Arbor Day Proclamation. **Motion:** Councilwoman Shifflett motioned to accept the Arbor Day Proclamation, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

A CDBG Cooperative Resolution from the County must be adopted in support of low to moderate income housing. There are no matching funds; this resolution is merely a resolution of support. **Motion:** Councilman Arrington motioned to accept the Fair Housing Resolution, motion seconded by Councilman Presgraves with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

The Regional Water Resolution must be adopted to participate in the NSVRC regional water planning project. This is a state mandated plan which saves the Town money and gives more time to complete the plan. **Motion:** Councilman Presgraves motioned to accept the Regional Water, motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, Racer. **Approved 6-0**

MAYOR'S ANNOUNCEMENTS

Mayor Dean noted no further announcements for the evening.

ADJOURN

There being no further business, Mayor Dean adjourned the regular session of the Town Council at approximately 8:42 pm.

Mayor Ralph H. Dean

Danielle P. Babb
Deputy Clerk-Treasurer