

**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF LURAY, PAGE COUNTY, VIRGINIA
January 9, 2006**

The Luray Town Council met in regular session on Monday, January 9, 2006 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 Ralph Dean

Council Present: Nancy Shifflett Barry Presgraves Leroy Lancaster
Earl "Rock" Racer William Menefee Gerald Snyder

Also Present: Jerry Schiro, Town Manager
Rick Black, Assistant Town Manager
Mary Broyles, Clerk-Treasurer
Shelley Owens, Deputy Clerk-Treasurer
Page Campbell, Chief of Police
Lynn Mathews, Superintendent of Public Works
Charlie Hoke, Wastewater Superintendent
Pat O'Brien, Director of Parks & Recreation
Jason Spitler, Town Attorney
Media: Page News & Courier
Other Interested Parties Present: 25

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

Minutes of the December 12, 2005 Regular Meeting and minutes of the January 3, 2006 Work Session of the Luray Town Council were submitted for review. **Motion:** Councilman Snyder motioned to approve the minutes as presented; motion seconded by Councilwoman Shifflett with the following YEA: Council Members Shifflett, Menefee, Lancaster, Presgraves, Snyder, and Racer. **Approved 6-0.**

PUBLIC HEARINGS

Rezoning Request: Tax Map #42A10-A-118

Applicant: County of Page

Assistant Town Manager Rick Black opened a public hearing for the purpose of receiving public comment and to consider the applicants request to rezone a parcel of land identified as Tax Map #42A10-A-118 which is located at 119 South Court Street. The County of Page is requesting rezoning from an R-2 to a B-1 District in order to construct a new County office building. Mr. Black stated office buildings are allowed in a B-1 District and the Luray Planning Commission has recommended approval of this proposed rezoning. Public comment: None.

Motion: Councilman Racer motioned to approve the rezoning as requested. Motion seconded by Councilman Menefee with the following YEA: Council Members Shifflett, Menefee, Lancaster, Presgraves, Snyder, and Racer. **Approved 6-0.**

Rezoning Request: Tax Map #42A4-13-(1-24)

Applicants: Virginia Pacific, LLC and Stonewall Investment Company, LLC

Rick Black opened a public hearing to allow citizen comment concerning a rezoning request filed by Virginia Pacific, LLC and joint applicant Stonewall Investment Company, LLC. The applicants are

requesting to rezone a parcel of land from B-1 to R-5 to allow for the conveyance of townhouses, independent of the requirements of a Special Use Permit. The subject property identified as tax map #42A4-13-(1-24), is located on the southwest corner of the intersection of Yagers Road and Cottage Drive. **Motion:** Following discussion Councilman Racer motioned to *table* rezoning of the subject property until the project is completed in order to ensure only the intended townhouses are built within this development. Councilman Lancaster seconded the motion with the following council members voting YEA: Council Members Shifflett, Menefee, Lancaster, Presgraves, Snyder, and Racer.

Approved 6-0.

GENERAL CITIZEN AND ORGANIZATION COMMENTS

Parking Issues: Ms. Betty Grubbs

Ms. Betty Grubbs of 15 Wilson Avenue in Luray stated she would like Council to consider extending the yellow curb line located in front of her home in order to eliminate all parking in this area. Ms. Grubbs indicated that parked cars in this area restrict vision when a vehicle attempts to pull out of her lower driveway. Chief Page Campbell addressed Council in support of Ms. Grubb’s request stating the parked cars in front of her house do present a potential safety hazard when exiting the lower driveway of her property. **Motion:** Following further discussion, Councilwoman Shifflett motioned to eliminate the one existing parking space located in front of 15 Wilson Avenue. Councilman Snyder seconded the motion with the following votes recorded: YEA – Council Members Shifflett, Snyder, Lancaster, Presgraves, and Racer. NAY – Councilman Menefee. **Approved 5-1.**

Luray Downtown Initiative Report (LDI)

Interim LDI Director, Ms. Catherine Stewart stated Council was provided with a written report of December 2005 LDI activities and events. In reference to the new LDI website, Ms. Stewart encouraged Council to view the links located at the bottom of the LDI home page.

Tree and Beautification Committee

Ms. Vicki Pitts provided a verbal update of recent Luray Tree and Beautification Committee activities and thanked Council for their assistance in the tree decorating contest held in December.

TREASURER’S REPORT

Treasurer’s Report of Cash on Hand as of January 9, 2006:

SunTrust Bank:	
General Fund Account.....	\$ 2,996,691.92
Cash on Hand:	<u>\$ 15,107.65</u>
TOTAL:	\$ 3,011,799.57
 Savings Accounts:	
PVB-FmHA Sewer Plant Sinking Fund.....	\$ 28,788.00

Mary Broyles, Town Clerk / Treasurer submitted to Council for approval, Accounts Payable invoices in the total amount of \$ 169,231.97. **Motion:** Councilman Presgraves motioned to approve payment of the list of invoices presented, seconded by Councilwoman Shifflett with the following council members voting YEA: Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. **Approved: 6-0.**

TOWN MANAGER'S REPORT

Board of Zoning Appeals

Town Manager, Jerry Schiro stated the Board of Zoning Appeals met in session on December 21, 2005 to hear a request for a variance of Section 403.8 (b) of the Town zoning ordinance. The Board denied the request to grant a variance for an accessory building setback to be located at 202 Mechanic Street.

Stormwater Management Issues

Jerry Schiro and Rick Black recently met with the state Department of Conservation and Natural Resources to discuss off-site stormwater drainage problems on the property adjacent to the Luray Landing Project which is owned by Mr. Ronald Shenk and Page County. Several issues have not yet been resolved.

Community Development Block Grant (CDBG)

The CDBG Grant Management Committee met with state officials in December to discuss the CDBG Grant and the associated responsibilities of the Town. The meeting primarily involved discussion of what will be required of the town over the next ninety days in terms of the grant application. Mr. Schiro stated the grant will not take effect until the town executes a contract with the Department of Housing and Community Development (DHCD) and certain criteria must be met before the contract can be signed.

Town Manager Jerry Schiro, Luray Downtown Initiative President Rock Racer, and Caren Culpepper of the Luray / Page Chamber of Commerce will be attending a DHCD workshop in Richmond this week which will cover tax incentives available through the New Market Tax Credit Program.

TOWN ATTORNEY'S REPORT

Town Attorney Jason Spitler presented the following ordinances relating to Town Committees and appointments for Council consideration:

- **AN ORDINANCE AMENDING SECTION 62-32 OF THE CODE OF THE TOWN OF LURAY, VIRGINIA** (*To be entered into record as Council Resolution 2006-01-01*) which states in part, The planning commission shall consist of seven (7) members all of whom shall be residents of the town.
- **AN ORDINANCE AMENDING SECTION 62-33 OF THE CODE OF THE TOWN OF LURAY, VIRGINIA** (*To be entered into record as Council Resolution 2006-01-02*) which states in part, All members of the planning commission shall be appointed by Town Council and terms of office shall be concurrent with those of the Town Council.
- **AN ORDINANCE APPOINTING THE PLANNING COMMISSION OF THE TOWN OF LURAY, VIRGINIA** (*To be entered into record as Council Resolution 2006-01-03*) which states in part, the following members shall be appointed to the Luray Planning Commission and shall serve until July 1, 2006: (a) Bob Borgie, (b) Clifton Campbell, (c) Sam McNeely. The following members shall be appointed to the Luray Planning Commission and shall serve until July 1, 2008: (a) Judy Suddith, (b) Peyton Baughan, (c) Terry Dodson, (d) Tom Potts.

- **AN ORDINANCE APPOINTING THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE TOWN OF LURAY, VIRGINIA** *(To be entered into record as Council Resolution 2006-01-04)* which states in part,
 - the following members are appointed to the Industrial Development Authority of the Town of Luray and shall serve until July 1, 2006: (a) Emily Holder, (b) Isaac Seal, (c) Jerry Doffelmyer. The following members are appointed to the Industrial Development Authority of the Town of Luray and shall serve until July 1, 2008: (a) Happy Pettit, (b) Walter Tutt, (c) Brian Burrill, (d) Nancy Racer

- **AN ORDINANCE APPOINTING THE LURAY TREE AND BEAUTIFICATION COMMITTEE OF THE TOWN OF LURAY, VIRGINIA** *(To be entered into record as Council Resolution 2006-01-05)* which states in part,
 - the following members are appointed to the Luray Tree and Beautification Committee and shall serve until July 1, 2006: (a) Dixon Freeland, (b) Kenneth Beyer, (c) Vicki Pitts. The following members are appointed to the Luray Tree and Beautification Committee of the Town of Luray and shall serve until July 1, 2008: (a) Laura Butler, (b) Nancy Racer, (c) Jack Leonard, (d) Brenda Beahm.

Mr. Spitler stated in order to appoint members to the Luray Board of Zoning Appeals, the Page County Circuit Court must be petitioned.

Motion: Councilman Racer motioned to approve all ordinances in their entirety as presented by Town Attorney, Jason Spitler. Motion seconded by Councilwoman Shifflett with the following council members voting YEA: Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. **Approved: 6-0.**

Jason Spitler indicated that Council will need to consider adoption of additional ordinances which he advises should be incorporated into Town Code as the result of the Council's adoption of the recodified Town Code last May. Mr. Spitler requested Council direction pertaining to regularly charged offenses issued by the Luray Police which sometimes must be prosecuted by citing Commonwealth State Code for enforcement. When only the state code is cited, the fines must be paid to the State rather than the town because the violation is not identified within town code.

Mr. Spitler stated Council previously directed him to prepare an ordinance and deed for conveyance of an alleyway to Mr. Thomas Wiatrowski. Since the last Council meeting, Mr. Wiatrowski sold the property and the buyer has since sold the property again. In order to convey the alleyway to the current property owners, they must present this issue to Council as a new request in their name.

DEPARTMENTAL REPORTS

POLICE - PUBLIC SAFETY AND EMERGENCY SERVICES COORDINATOR'S REPORT

In addition to submission of a written activity and statistical departmental report presented for the month of December 2005, Chief Page Campbell provided an extensive verbal update on corrective action taken within the department in an effort to rectify issues cited within the Police Operations Study presented to Council one year ago by Carroll Buracker and Associates. Chief Campbell thanked Mr. Schiro for his assistance with several issues over the past year. Jerry Schiro indicated the Town has benefited from the Police Study in many ways thanks to the efforts of Chief Campbell. Mr. Schiro stated the Town now has a fine group of community-friendly officers on the streets.

Councilman Snyder stated he has observed funeral processions becoming separated in town due to red traffic lights. Mr. Snyder asked Chief Campbell if this could be addressed by the Police Department. Chief Campbell stated the department responds to all requests made to assist with funeral processions however; sometimes the department does not have an officer available at the time of the procession.

PARKS AND RECREATION DEPARTMENT

- Parks and Recreation Director Pat O'Brien stated the Town has again received the Tree City U.S.A. designation and the Growth Award this year.
- The 2006 Arbor Day ceremony is tentatively scheduled for Saturday, April 22, 2006.
- The Luray High School Art Department would like to paint the greenway's twelfth mural. This mural would be painted under the Route 211 bypass bridge, adjacent to phase three of the greenway.
- Pat O'Brien and Ken Beyer presented photographs of proposed lighting along the Hawksbill Greenway. Mr. O'Brien requested Council approval to solicit donations for the lighting fixtures which would be constructed of cast iron, three feet nine inches in height, and would shine light down onto the trail. Each proposed lighting fixture will cost approximately \$750.00. Council Members Lancaster and Shifflett expressed concern regarding the height of the fixtures. Following further discussion, Council directed Mr. O'Brien to research the availability of smaller break-away type fixtures in consideration of the flooding potential along the greenway.
- Mr. O'Brien provided an update on the status of phase four of the Hawksbill Greenway and requested Council direction on issues relating to this phase. Following extensive discussion of available grant funds, property acquisition, and estimated costs, William Menefee motioned to authorize staff to proceed with requests for proposals to have the necessary surveys conducted for development of phase four of the Hawksbill Greenway. Motion seconded by Councilwoman Shifflett with the following council members voting YEA: Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. **Approved: 6-0.**

- **PUBLIC WORKS DEPARTMENT**

Public Works Director, Lynn Mathews stated all water tests were in compliance during the month of December and the department made one new water and sewer tap this month. Department projects for the month of January include Christmas tree collections, sign maintenance, and catch basin and ditch cleaning.

- **WASTEWATER TREATMENT DEPARTMENT**

Wastewater Superintendent, Charlie Hoke stated the treatment plant's five year permit application has been tentatively approved by the Department of Environmental Quality. Once the Environmental Protection Agency reviews the application the permit should be approved. Mr. Hoke added the wastewater plant is in compliance with all state and federal regulations.

OLD BUSINESS

Planned Neighborhood Development District (PND)

Assistant Town Manager Rick Black stated an ordinance to enact the Planned Neighborhood Development District has been submitted for consideration. The PND is an overlay zoning district which will allow planned development on large tracts of land characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculations are performed for the entire development rather than on an individual basis. A public hearing was held on October 11, 2005 to receive public comment on the proposed PND. Council further discussed this ordinance in November 2005 at which time it was resubmitted to the Town Planning Commission for further evaluation. Town Council then held a work session on January 3, 2006, to further address issues and concerns related to enactment of the PND. **Motion:** Councilman Racer motioned to approve Town Code Appendix A 409.0 through Appendix A 409.27 pertaining to a Planned Neighborhood Development District (PND). Motion

seconded by Councilman Presgraves with the following council members voting YEA: Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. **Approved: 6-0.**

Preliminary Plat Review – Developer: Chris Ramsey

Rick Black stated a preliminary plat has been submitted by Chris Ramsey illustrating a proposed single family and duplex development. Mr. Black stated Mr. Ramsey is requesting water and sewer service to the proposed development which is partially located outside of the town corporate limits. Mr. Ramsey indicated he is only requesting conditional approval for water and sewer connections from Council tonight in order to proceed with this project. **Motion:** Following discussion, William Menefee motioned to grant town water and sewer connections to the proposed development identified as Fairview Estates, Section 2 and 3, contingent upon Council's approval of final engineering plans for the development. Motion seconded by Councilman Presgraves with the following recorded votes. YEA: Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. **Approved: 6-0.**

NEW BUSINESS

Water and Sewer Connections: Mr. Ronnie Jenkins

Jerry Schiro indicated Mr. Ronnie Jenkins is requesting approval of out-of-town water and sewer connections to serve his property illustrated in the plat map provided in the Council packets.

Motion: Following discussion, Councilman Racer motioned to approve water and sewer connections as requested by Mr. Jenkins. The motion was seconded by Councilman Lancaster with the following Council Members voting YEA: Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer.

Approved: 6-0.

2006 Holiday and Council Meeting Schedule

Jerry Schiro referred to the printed schedule provided to Council for the purpose of designating the 2006 Holiday and Council Meeting Schedule. Mr. Schiro stated staff is requesting an additional four hours of holiday time on Monday, July 3, 2006 in order to allow employees to attend the annual town cook-out.

Motion: Following discussion, Councilman Presgraves motioned to approve the 2006 Employee Holiday and Council Meeting Schedule as presented in addition to granting a half day off on Monday July 3, 2006 for the Council cook-out. The motion was seconded by Councilman Racer with the following Council Members voting YEA: Shifflett, Snyder, Menefee, Lancaster, Presgraves, and Racer. **Approved: 6-0.**

Virginia 2007 Jamestown 400 Celebration

Jerry Schiro stated the Town of Luray will be participating in the Virginia 2007 which will be a national celebration focusing on the 400th anniversary of the Jamestown settlement. By agreeing to participate, the town is required to appoint a Planning Committee for events which will be coordinated at the state level and send two town representatives to Richmond Virginia on January 26th for a reception.

MAYOR'S ANNOUNCEMENTS

Mayor Dean stated he has no public announcements at this time.

There being no further business to transact, Mayor Dean adjourned the regular session of the Town Council at approximately 8:25 p.m.

Approved February 13, 2006:

Mayor Ralph H. Dean

Attest:

Michelle Owens, Deputy Clerk / Treasurer