

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

MONDAY, APRIL 11, 2011

The Luray Town Council met in regular session on Monday, April 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
Mary Broyles, Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Jason Spitler, Town Attorney
Ligon Webb, Town Planner
Lynn Mathews, Superintendent of Public Works
Chief Page Campbell, Luray Police Department
Pat O'Brien, Director of Parks and Recreation
Charlie Hoke, Director of Utilities
Liz Lewis, Luray Downtown Initiative
Briana Campbell, Luray-Page County Chamber of Commerce
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 for a moment of silence. All present then recited the United States Pledge of Allegiance.

CONSENT AGENDA

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

Consent Agenda

- A) *Minutes of March 14, 2011 Regular Council Meeting.*
- B) *Minutes of March 22, 2011 Work Session.*
- C) *Financial Report for the period March 1 –31, 2011.*
- C) *Accounts payable checks totaling \$123,336.31.*

PUBLIC HEARING

A) SUP 11-1: Rutt Enterprises, Page One Warehouse (TM# 42A4-A-48A)

Town Planner, Ligon Webb, presented the public hearing for special use permit request by applicant, John Rutt of Rutt Enterprises. The applicant is requesting a special use permit to operate a storage warehouse on a M1 zoned parcel. The space will be used by Page One as a food storage warehouse. The applicant has installed a firewall in order to meet building code regulations. Mr. Webb said that letters have been sent out to neighboring parcels with no comments received. Mr. Webb advised Council that the Luray Planning Commission unanimously approved the request. Council and staff discussed the location of the warehouse within the building complex.

Mayor Presgraves opened the public hearing for comments. With no comments from the public, the hearing was closed.

Motion: Councilman Arrington motioned to approve the Special Use Permit Request for Rutt Enterprises as presented, motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

B) Drought/Low Water Supply Ordinance (Chapter 86, Utilities)

Assistant Town Manager, Bryan Chrisman, presented the public hearing for the Drought/Low Water Supply Ordinance. He advised Council that Town Attorney, Jason Spitler, has provided a model amendment to the code according to the drought ordinance. Mr. Chrisman advised Council that they will not be required to vote at tonight's meeting. He advised Council that he invited Jill Keihn (NSVRC) to attend the meeting; however she is not in attendance. Mr. Chrisman advised that he believes the format of the ordinance is now acceptable for the town code and that he will gladly discuss any questions from Council. He advised Council that the ordinance will need to be approved by June 2011. Councilman Schiro said that he sees no reason to prolong a vote. Mr. Chrisman advised that there are several items pending with the Northern Shenandoah Valley Regional Commission so it may be best to wait in case any of these items would affect the language of the ordinance. Council's consensus was to wait on a vote.

Mayor Presgraves opened the public hearing for citizen comment. With no comments from the public, the hearing was closed. Mayor Presgraves stated that Council would re-visit this subject at a later meeting for a vote.

GENERAL CITIZEN COMMENT

There were no comments from the public at this time.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Liz Lewis stated that downtown Luray is gearing up for the largest event of the year to be held on May 14, 2011. She said that the Festival of Spring is a fundraiser for LDI and that she is trying to control spending on the event. She added that the plans include over 100 vendors, a beer and wine garden, children's activities, two duck races, corn-hole tournament, and a skateboarding exhibit. Ms. Lewis displayed a festival brochure/day guide for Council which will also include a day shopping pass for downtown merchants to showcase special offers. Ms. Lewis said that LDI will have several informational tents to pass out these brochures. She added that the Festival of Spring has been listed in the Festival Magazine and is the only large festival being held that weekend. Ms. Lewis hopes this will be a very busy day for downtown.

Ms. Lewis informed Council that the second merchant meeting was held with a guest speaker from People, Inc. She said that the next meeting will be for the Festival of Spring. Also, she said that work is progressing on several pieces of downtown media. These media pieces include a rack card for downtown and a tri-fold literature piece for merchants to hand out at their locations. Ms. Lewis advised that she plans to continue to market in the most cost effective manner possible. She also said that the website will be updated by a local designer. Lastly, Ms. Lewis discussed work that has begun to obtain grant funding for two local distressed properties; the Mic-or-Mack Property and the Bridge Theater. Both of these properties have been submitted to Virginia Main Street and there may be potential grant funding through People Inc.

Luray/Page County Chamber of Commerce

Ms. Briana Campbell reviewed the statistics for March; citing 275 local calls, 221 local walk-ins, 180 tourist calls, and 505 tourist walk-ins. Ms. Campbell presented Council with a handout displaying the graphics for the "Page County Grown" logo. Ms. Campbell told Council members that on Friday and Saturday the chamber will be hosting an event for the Sesquicentennial of the Civil War. The event will provide citizens an opportunity to scan information into the Library of Virginia database. She added that participants will need to make an appointment. Ms. Campbell also said that April will be declared "Page County Customer Service Awareness Month". This declaration is a countywide effort to acknowledge outstanding providers of customer service. Ms. Campbell reminded Council and Staff of the upcoming Business Networking Breakfast and said that she will be the speaker for the meeting. Her presentation will focus on "Staying Positive". Ms. Campbell noted that the next Business After Hours will be held at Outlanders River Camp and those wishing to take a tour of the property may do so by arriving early at 4:30pm. In regards to the "Page County Grown" logo, she said that the design has been finalized and should be on display at the Festival of Spring. Ms. Campbell discussed the chamber's efforts to enhance advertising that is targeted to government employees in Washington, DC. She said that previously the advertising had been a cooperative effort but now plans are to expand this

advertising and focus on the Festival of Spring in May. Mayor Presgraves asked Ms. Campbell if she foresees the increase in gas prices affecting tourism. Ms. Campbell replied that actually the forecast is that this increase will benefit our area due to its close proximity compared to other popular vacation spots.

Councilman Vickers inquired about the type of tourists who make up the majority of tourist walk-ins at the chamber. Ms. Campbell advised Mr. Vickers that currently most tourists are couples; however the number of families will increase during the summer months once school is out. Ms. Campbell said that the majority of information requested is in regards to places to eat and things to do. She said that most tourists already know where they are staying. Ms. Campbell said that the appeal of the building is very attractive to visitors because it is not a typical visitor's center.

Pat O'Brien, Director of Parks and Recreation, inquired about the completion of the museum portion of the depot. Assistant Town Manager, Bryan Chrisman, replied that the town is still waiting on funding. Ms. Campbell reminded that visitors are unaware that the museum is incomplete; and that they are impressed by the current display.

Airport Commission

Mayor Presgraves advised that Mr. Markowitz could not be present this evening.

DEPARTMENTAL REPORTS

POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES

Police Chief, Page Campbell, reported 48 arrests for March and 263 calls for service. This brings the total year to date calls for service to 757. Chief Campbell reported that the department has issued two citations for not wearing helmets on a moped. Lastly, Chief Campbell asked to speak during Executive Session.

PARKS AND RECREATION

Mayor Presgraves complimented Mr. O'Brien on the Youth Trout Derby. Director of Parks and Recreation, Pat O'Brien, replied that the Trout Derby went great. He advised Council that on May 13th he will be hosting a group from Southwest Virginia to look at the Greenway and to discuss greenways in general. Mr. O'Brien said he has formed a panel of speakers from different agencies to speak to the group on this topic. He also invited and encouraged Council members to attend. Mr. O'Brien stated that upcoming events include the "Walk for All Reasons", Earth Day, and the Little League Opening Day events. Councilwoman Menefee inquired about the security system at the recreation park. Mr. O'Brien said that it had only worked for one day before the monitor went bad. He said that the monitor has been sent back to the manufacturer for a replacement. He anticipates that the replacement should arrive within a few weeks. Councilwoman Menefee said that she hopes the system will be back in place before baseball season.

PUBLIC WORKS DEPARTMENT

Lynn Mathews, Superintendent of Public Works, said that the department repaired three water leaks and worked on repairing meter boxes. Mr. Mathews said that the department responded to six sewer calls. Upcoming projects for the department include spring clean-up, brush collection, drainage issues, and bridge cleaning. Mr. Mathews also advised Council that line painting work will continue from the contractor and that his department will continue working on sign consolidation.

WTP AND WWTP

Charlie Hoke, Director of Utilities, stated that the PAL system is running very well; however two service visits per year are recommended. Mr. Hoke said that even though the system is running well, he will proceed with scheduling the service visits since they were included in the project cost. Mr. Hoke discussed the two booster pumps; he advised that Valley Automation has completed programming on one of the units and that it is working flawlessly. He added that the second pump is being programmed today and will then be online. Mr. Hoke reported that all samples in the distribution system came back negative.

Mr. Hoke reported on the Wastewater Treatment Plant and advised Council members that there have been no issues with the new permitting regulations. He added that the system is operating well, but the pumps are still an issue and have been since they were installed. Mr. Hoke anticipates that the system problems will be covered under warranties and that the new system will be fully completed once an initial pump replacement has been verified.

PLANNING

Town Planner, Ligon Webb, presented Council with a revised proffer statement from Page Memorial Hospital. He said that the Planning Commission members expressed concerns related to the proffer language regarding the right of way needed for a right turn lane. Mr. Webb said that according to the statement, the acquisition of the right of way would be left up to the town. Some members of the commission felt it would be best for the hospital to acquire the right of way. Mr. Webb reminded that Mr. Modjeska had already proffered a turn lane with his development as owner of Luray LLC. Mr. Webb said that basically the hospital would be making a proffer that had already been made previously.

Mr. Webb said that when he and Town Manager, Rick Black, discussed the issue further; Mr. Black advised that perhaps a traffic signal would be more appropriate at this time. Mr. Webb said that staff met with VDOT and they agreed that a traffic signal would be justifiable and would be a good first step to improving the traffic pattern. Mr. Webb also said that a signal could be used as a part of the town's revenue sharing program with VDOT. He added that Mr. Lineberry of VDOT seemed to think this was a positive idea. Mr. Webb said that the hospital has now proffered to pay for the cost of the traffic signal. He added that the planning commission will review this at their meeting on Wednesday and will determine if the cost of \$165,000 will be sufficient to cover the cost of the signal. Mr. Webb said that he feels this cost estimate is adequate. Town Planner, Ligon Webb, said that the hospital is also proffering \$10,000 toward the acquisition of the right of way to place the pole arm for the traffic signal. Mr. Webb said that between staff, Council, Planning Commission, and VDOT he hopes that this solution is something that everyone can be happy with.

Councilman Racer said that at the last meeting Council discussed having the hospital acquire the right of way for a right turn lane on Memorial Drive. He expressed concern that now the proffer letter states that the town is responsible for acquiring the right of way. Mr. Webb explained that the hospital is allowing up to \$10,000 for the acquisition costs. Mr. Webb said that it may be just as easy for the town to acquire the property since it is offsite from the hospital project. Mayor Presgraves said that basically the town is facilitating the purchase of the property on behalf of the hospital. Mr. Webb said that the hospital does not really favor acquiring land off of their property. Councilman Lancaster added that the town shouldn't favor acquiring property offsite either. Councilman Vickers clarified that originally the plans were to construct a turn lane but now we are looking at adding a traffic signal. Mr. Vickers expressed concerns that this would slow down the flow of traffic in town. Councilman Racer said that overall adding a signal may be the way to go.

Mr. Webb reminded that Mr. Modjeska proffered a turn lane upon the development of his property. Mr. Webb discussed with Councilman Vickers that it may be a year or two before the signal would be constructed. Councilman Lancaster asked how the Luray LLC (Mr. Modjeska) is involved at this point. Council and staff said that they are not involved until the property becomes developed. Mr. Webb said that in order to construct the signal, the pole will need to be on private property.

Mayor Presgraves suggested that item 6.-b. of the proffer letter be reworded to satisfy all parties. Mr. Webb said that he could ask for this consideration, as the planning commission may express similar concerns.

Councilman Arrington questioned if VDOT had any concerns over placing the signal on a hill. Mr. Webb said that the signal will still need a warrant analysis and must meet several criteria. Mr. Webb said that VDOT understands that it may not meet any of the criteria; but due to the nature of the intersection it will be a good improvement. Mr. Webb thinks it looks promising that this project would be available for the revenue sharing program. If the project is not eligible, he advised that it can still be built regardless. Mayor Presgraves reminded that the Planning Commission meeting is this Wednesday night.

Councilman Schiro asked if the cost of the signal was capped at \$165,000 according to the proffer. Mr. Webb said that he understands this to be the case based on their estimates. Council and staff discussed the other costs that could be involved in the design. Councilman Schiro said that we are looking at a combined project cost for Valley Health of about \$45 million. He said that the Town has certainly provided a lot more for a lot less in return. Mr. Webb and Mr. Schiro discussed all of the other fee revenue from the project that will also benefit the town.

Mr. Webb concluded that the hospital representatives have been very nice to work with and that this is what they have provided us. He expressed that he thinks we are very close to making this work. Mr. Webb reminded that this issue is a very small part of an extremely large project. Mayor Presgraves stressed that it is not often that we get this kind of project locally. Councilman Arrington said that this project is very important to a lot of local people. Councilman Schiro reminded that the hospital employs close to 200 people. Councilman Racer said that he is doubtful that they would locate here if they thought they were not going to profit. Councilman Schiro agreed that they are a business, but the hospital is a tremendous service for this community. Mayor Presgraves said that Council should not let

this issue be a stumbling block. He said that if the quality of healthcare is taken away then we will jeopardize the life of the community. Mayor Presgraves stressed that this project is vital to the community. Councilman Arrington and Councilman Schiro both commended Mr. Webb and Mr. Black on their work and ideas on this project. Mayor Presgraves concluded the discussion by saying that this issue will come back before Council in May.

Town Planner, Ligon Webb, discussed his findings on information regarding the restoration of town monuments. He has contacted several people over the last month about the monuments. The first individual he has spoken with is Mr. Baxter of Richmond who has recently visited the sites. The other is Mr. Bernabo whom Mr. Webb has spoken with over the phone. Mr. Baxter came last week for a quick visit and informed Mr. Webb of the problems with both monuments. Mr. Baxter found that the monument near the post office is in really good condition and advised that it just needs a good cleaning. However, he found the monument on the east end of town to be in need of a full restoration. Mr. Webb advised that Mr. Baxter will put together an estimate for the town. Mr. Baxter said that the east end monument is really in the worst shape and that this has the most structural issues. While the second monument is not in bad shape and has only minor structural issues at this time. Mayor Presgraves verified that the east end monument seems to be the worst. Mr. Webb verified that Mr. Baxter said the core of the monument is not holding up and that the foundation is not sound. Councilwoman Menefee verified that staff is now awaiting the estimates for repairs, and then Council can begin making some decisions.

OLD BUSINESS

FY 2011-2012 Budget Advertisement

Town Manager, Rick Black, told Council members that included in their packets is the proposed advertisement for the FY2011-2012 Budget. Mr. Black added that there may be the need to include approximately \$360,000 in funds for the Wastewater Treatment Plant in regards to the pumps. He said that these dollars will simply carry over from the current budget funds from WQIF and VRA loan proceeds. Mr. Black wants to advertise the public hearing for the May 9, 2011 Council Meeting and the final draft of the budget will be ready for the April 26th work session.

Quitclaim Deed (Town of Luray/Griffith/Hulver)

Town Manager, Rick Black, advised Council that included in their packets is a quitclaim deed. Mr. Black said that the deed is basically saying that the Town is giving up rights that someone else thinks we have, but do not. Basically, this is the town's acknowledgement that we do not own the property. Mr. Black said that during the town's survey of Lake Arrowhead we found this piece of property that is not owned by the town. Mr. Black said that the town is not making any decisions on who does own it; but simply saying that the town does not possess ownership. Mr. Black said that he will need a vote from Council this evening permitting the mayor to sign the deed. Town Attorney, Jason Spitler, said that Attorney Robert Janney has a good record of events that led to the "orphan" tract of property. Mr. Spitler said that the town has never taken a position of ownership, thus is not required to hold a public hearing. Mr. Spitler reiterated that the town is simply helping the other parties.

Motion: Councilman Racer motioned to approve the Quitclaim Deed for The Town of Luray/Griffith/Hulver parties as presented, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Page County Broadband Authority Lease Agreement

Mr. Black said that there are two leases for Council regarding the Page County Broadband Authority. Mr. Black advised that there are several changes noted on the draft agreement. Mr. Black advised Council that the authority does not sell service; therefore the town must negotiate the service terms with the actual provider. He said that the broadband authority is only responsible for providing the backbone of the overall system. Mayor Presgraves highlighted that the major difference in the two leases is the term reduction from twenty years to ten years.

Motion: Councilman Vickers motioned to approve the Page County Broadband Authority Lease as presented, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Lastly, Mr. Black said that the Page County Broadband Authority will be soliciting the towns input on where to run the fifty-five miles of line within the town.

NEW BUSINESS

2011 Arbor Day Proclamation

Town Manager, Rick Black, discussed the 2011 Arbor Day Proclamation and noted that the celebration will be on Saturday, April 16, 2011. The location of the event will be near the new gazebo on the greenway trail.

Motion: Councilwoman Menefee motioned to approve the 2011 Arbor Day Proclamation, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

2011 After Prom Celebration

Mr. Black told Council that in previous years the town has contributed \$1,000 to the Luray High School After Prom Celebration. He added that these funds are included in the current year budget and are available. Mr. Black stated that he feels this is a very worthwhile event. Police Chief, Page Campbell, added that he has worked this event several times and thinks this is an excellent event.

Motion: Councilman Vickers motioned to approve a contribution in the amount of \$1000 to the 2011 Luray High School After Prom Celebration, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Refuse and Landfill

Town Manager, Rick Black, said that last week he received information from the Page County Administrator concerning the number of commercial establishments with green rollouts. It seems that Page County is considering putting some sort of charge on commercial users within the town. Mr. Black recalls a vote from 2003 that waived landfill tipping fees for the towns. Mayor Presgraves asked if this was for all three towns. Mr. Black replied that this is his understanding. Mayor Presgraves stated that the commercial users with rollouts do not generate any more than most of the average residential users. Council and staff verified that commercial users are charged the standard collection fee but are not charged a tipping fee. Councilman Lancaster said that he thinks the intent is to charge commercial users for their garbage. Councilman Schiro also recalled the same vote by the Page County Board of Supervisors to waive tipping fees for the towns. He said that it is difficult to distinguish any difference between residential and commercial refuse when it is not distinctly contractor, dumpster, or bulk type refuse. Mayor Presgraves said that these are valid points and that we need to plead our case on this issue. Mr. Black said that he will provide the information requested by the county. Town Manager, Rick Black, said that there has not been any action from the board on this. Councilman Vickers recalled that Mr. Black has explained in the past that the town is charged by the number of cans collected by Waste Management rather than the weight of the cans. He said that if this is the case the town pays the same amount to collect a full can as an empty one. Councilman Schiro explained that the town is paying for the cans to be collected, not necessarily the amount of refuse that goes into the landfill.

TOWN ATTORNEY'S REPORT

Town Manager, Rick Black, discussed the franchise agreement with Comcast. Mr. Black said that he prefers a ten year agreement over the proposed twenty year agreement. He advised that the previous agreement between the Town of Luray and Comcast was for a term of ten years. Mayor Presgraves said that before we make an agreement with Comcast the town should address the concerns of the citizens regarding service. Mayor Presgraves instructed Mr. Black to invite the Comcast representative to attend the public hearing for this at the next Council meeting. Councilman Schiro said that Council should also inquire about what kind of future plans Comcast has for fiber optic cable.

Town Attorney, Jason Spitler, requested that Council add one item concerning Personnel to the agenda for Executive Session.

EXECUTIVE SESSION

Personnel, Section 2.2-3711.A.1

Legal Consultation, Section 2.2-3711.A.7

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing Section 2.2-3711.A.1 and Section 2.2-3711.A.7.

Motion: Councilman Racer motioned to recess the regular session and to convene in executive session; Councilman Lancaster seconded the motion with the following members voting YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, and Racer. **Approved 6-0**

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

Mayor Presgraves asked members of Council to certify that to the best of their knowledge only matters covered under Section 2.2-3711.A.1 and Section 2.2-3711.A.7 were heard, discussed, or considered during the closed session. **The roll was called with all members certifying “Yes”.**

ANNOUNCEMENTS

Mayor Presgraves advised that the Memorial Day Parade for the Town of Shenandoah will be held on Saturday, May 28th, 2011. He asked Council members to consider if they will be able to attend and to advise him accordingly.

TOWN ATTORNEY’S REPORT - Continued

Town Attorney, Jason Spitler, apologized that he had one more item for Council’s consideration before the adjournment of the meeting. He asked Council for a vote on the Steve and Louise Mauck Memorandum of Understanding. Councilwoman Menefee asked if there were any changes. Mr. Spitler said that the first change made was by Council’s suggestion that the language of the agreement refer to the existing signage in terms of size, type, and location. The second change was to permit two seats in the press box of Field 4 be reserved during any organized sporting activity.

Motion: Councilman Vickers motioned to approve the Memorandum of Understanding with Steve and Louise Mauck as presented, motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

ADJOURN

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 9:12 P.M.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer