

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

MONDAY, SEPTEMBER 12, 2011

The Luray Town Council met in regular session on Monday, September 12, 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
Lieutenant Wayne Petefish, LPD
Lynn Mathews, Director of Public Works
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
Pam Flasch, Luray Bicentennial Committee
Powell Markowitz, Luray Page County Airport
Brian McKeehan, Delta Airport Consultants
Gary Shirley, Racey Engineering
Chris Gould, Page Valley Cycling
David Glover, Enduranceworks, LLC
Paul Comes, Director of Government Affairs for Comcast
Robert Janney, Legal Counsel for United Propane
Eric Gibson, United Propane
Jon Phillips, Page County EDA Chairman
Mike Uram, Former Member of Page County EDA
Luray High School- Student Council Representative
Chad Gregg- Captain, Luray Rescue Squad**

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 and gave special remembrance to the victims of September 11, 2001. Councilman Arrington led everyone in reciting 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 August 8, 2011 Regular Council Meeting.*
- B) *Minutes of August 23, 2011 Work Session.*
- C) *Accounts payable checks totaling \$ 440,199.48.*

PUBLIC HEARING

Acceptance of a Federal Grant (Luray Caverns Airport)

Town Manager, Rick Black, stated that there were four public hearings before Council for the evenings meeting. He said that the first public hearing is for the application and acceptance of a federal grant. The purpose of the hearing is to receive public comments concerning application for and the acceptance of a federal grant to be used to clear runway obstructions. The removal of identified obstructions would enhance the Runway Protection Zone as described in the Airport Layout Plan, AIP Project Number 3-51-0067-07 and improve the overall safety of the Luray Caverns Airport. Currently the Luray Caverns Airport is jointly owned by the Town of Luray and the County of Page and is operated by the Luray Caverns Corporation. The airport is located in the County of Page at 1504 Airport Road, Luray, Virginia. This FAA grant along with the DOAV Grant is for the purchase of 11.9 acres along Airport Road from Baker Development and Page Community Development. Mr. Black said that he has been advised that no matching funds will be needed for the acceptance of this grant. He stated that this will result in zero out of pocket expenses for the town. Mr. Powell Markowitz stated that he had nothing further to add to this discussion but noted that the Page County Board of Supervisors has approved this grant.

Following this discussion, Mayor Presgraves opened the public hearing. With no comments from the public, the hearing was then closed. Mayor Presgraves confirmed that this grant is 95% funded from the federal government, 3% funded from the DOAV, and 1% each for the town and county. Mayor Presgraves said that this extends the term of the original airport agreement. **Motion:** Councilman Arrington motioned to accept the Federal Grant for Luray Caverns, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Nonexclusive Franchise Agreement to Comcast

Town Manager, Rick Black, said that the purpose of this hearing is to receive public comments and to consider a request from Comcast, its successors, and assigns, for a nonexclusive franchise agreement to use the streets and other public places of the Town of Luray, Virginia, for its poles, wires, conduits, cables, and telecommunication facilities. The franchise agreement is requested for a period of fifteen years; while Council has discussed a five year or ten year term. Mr. Black said the only question remaining is the length of the contract term. He advised that the Town Attorney has reviewed the contract and that everything is in order. Mayor Presgraves asked Mr. Paul Comes, Director of Government Affairs for Comcast, if he would like to add anything further.

Mr. Comes thanked Council for the opportunity to represent Comcast this evening and stated that Comcast is very interested in these renewal contracts in order to continue improving all aspects of their services. Councilman Schiro asked what plans Comcast has for increasing fiber optic cable in the future. Mr. Comes said that Comcast is a public company and that the company looks at the overall sensibility of determining new locations for fiber optic. He stated that he looks at areas that are requested by various localities and then turns those over to the technical engineers for review. Councilman Schiro asked if there are any plans for this in the near future. Mr. Comes said that there are not any immediate construction plans that he is aware of. Mr. Comes concluded by saying that he has provided his business card for Mr. Black and that his office is located in Augusta County should Council have any suggestions for him.

Council and staff recalled that both five and ten year contract terms had been discussed at the previous meeting. Councilman Schiro said that with the way technology is changing, it would be prudent on Council's part to limit the term of the franchise agreement to five years. Mr. Schiro expressed that the town would in no way want to limit its opportunities to provide better services for the town's citizens. Councilwoman Menefee agreed with Mr. Schiro on the term of the contract. Mr. Comes said that the nature of Comcast's business is somewhat different than other companies that the town has franchise agreements with. Mr. Comes stated that in order for Comcast to continue to make capital improvements to its infrastructure, the company will want to see an agreement of at least ten years. Mr. Comes said that a five year term would be cutting short the goals of the company. Councilman Schiro stated that if the agreement is nonexclusive, there is no guarantee. Councilwoman Menefee asked what surrounding areas are doing in terms of contract length. Mr. Comes said that typically these agreements are for fifteen years. Councilman Racer said that he feels a term of five years is more than ample.

Mayor Presgraves then opened the public hearing for citizen comment. With no comments from the public the hearing was then closed.

Mayor Presgraves questioned Mr. Comes on the services that customers receive and the costs associated with the various packages. Mr. Comes discussed the various service packages and noted that there are numerous combinations/levels of services that the customer may choose from. Councilwoman Menefee asked if there are any other competitors that have requested a franchise agreement with the town. Mr. Black said that there are not. Councilwoman Menefee asked how long Comcast had been in the area. Mr. Comes said that he had been involved with the company for about twenty-six years, which at the time was Adelphia cable.

Councilman Schiro said that since the agreement is nonexclusive, he does not understand the urgency of having a fifteen year agreement in place. Mr. Schiro said that it would be very difficult for another company to come into town and be competitive when Comcast owns the infrastructure. He asked Mr. Comes what benefit this would provide for the town. Mr. Comes stated that in order to provide a variety of services, Comcast needs benchmarks for terms of service agreements. Also, he said that these agreements are needed to borrow funding for capital investments. Mr. Black clarified that the non exclusive franchise agreement is giving the company the right to place their infrastructure in the town's right of way.

Mayor Presgraves asked Council if they would like to take action on this matter. Councilwoman Menefee stated that while Mr. Comes had made a very compelling argument for a longer contract term, with the advancement of technology the town should only award a contract for a five year agreement. **Motion:** Councilwoman Menefee motioned to award a five year non-exclusive franchise agreement to Comcast, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Special Use Permit Request (United Propane Gas)

Ligon Webb, Town Planner, stated that the purpose of the hearing is to receive public comments and to consider the special use permit request from United Propane Gas. The applicant is requesting a special use permit to operate a propane plant on a portion of an M1 (Industrial) zoned parcel. The proposed use would be limited to an approximately three acre portion of an existing parcel presently owned by the Page County Economic Development Authority. The proposed location is adjacent to properties owned by the Holtzman Corporation and the Town of Luray. Mr. Webb said that he has provided an aerial view map of the location for Council. Mr. Webb said that as Council is aware, anything in the M1 zoning district requires a special use permit. Mr. Webb said that the application was received at the beginning of August and that the company is based out of Paducah, Kentucky. Mr. Webb said that Eric Gibson is in attendance this evening to represent the company and answer any questions Council may have. Mr. Webb said that this would be the company's first location in Virginia and that the company hopes to install two tanks holding 30,000 gallons each. Mr. Webb said that some questions were raised at the work session and that he hopes to answer these. He stated that the next phase of this process would be the subdivision of the parcel and then the preliminary and final plat processes. He said that the applicant could have provided a site plan at this point but to save some expenses the special use permit is the first priority. Mr. Webb said that he has provided a copy of a signed letter from Mr. Janney, Janney & Janney PLC, that limits the specific uses of the property. The letter limits such things as the number of tanks, use of the property, fencing required, etc. Mr. Webb said that United Propane does plan to have an office on site which would require a bathroom. He said that the applicant is aware that they would be responsible for the facility and tap fees associated with this.

Mayor Presgraves suggested that the applicant tap into the current line utilized by the town for the water treatment plant. Mr. Hoke, Director of Utilities, stated that the current line is only a two inch line and can only accommodate about three residents. Mr. Hoke said that it is a possibility but may not be adequate enough and was not initially designed for this.

Councilman Lancaster questioned why the applicant wants to subdivide the parcel later. Mr. Black explained that the parcel cannot be subdivided until a public road is dedicated. Mr. Black also

explained that the applicant only wishes to acquire three of the approximate fourteen acres available. Councilwoman Menefee questioned the volume of traffic that would be utilizing the roadway. Mr. Webb stated that a few hundred trips per day would be a high estimate even during peak times. Mr. Webb also said that the roadway was designed for industrial use and should be more than adequate.

Mayor Presgraves then opened the public hearing for citizen comment.

Robert Janney- Janney & Janney PLC, Local Counsel for United Propane Gas-

Mr. Janney said that he has no disagreement with any statements made by Mr. Webb. He told Council members that this will be in the industrial district and that the roadways are built to handle this traffic. Mr. Janney recognized that the Wallace plant is not being used at all at the current time. He said that also the EDA has recently sold about ten acres for a mobile storage lot. Therefore, he does not feel there will be a noticeable increase in traffic. Mr. Janney said that the area is adjacent to the current Holtzman area that is conducting basically the same type operation. Mr. Janney said that the contract is conditional upon obtaining the special use permit and that the town's requirements for the subdivision process are fairly stringent and expensive. Therefore the company would like to first obtain the special use permit and then begin the subdivision process. Mr. Janney has been told that the EDA is working to dedicate Stoney Brook Lane as a public street. He said that the contract requires that a public street is furnished. Mr. Janney said that he has furnished a sketch of roughly where the improvements will be made and has provided the letter of conditions as discussed by Mr. Webb. Mr. Janney hopes that the Council will see fit to approve the permit based on the conditions of the letter. Mr. Janney also noted that the property would also be used to store the smaller residential storage tanks until delivery. He said that the company plans to have about 3-5 personnel at the facility, including a plant manager. He anticipates completing the project in about ninety days upon receiving all approvals. Mr. Janney concluded by saying that he feels this is a good use of the EDA's property and that this will add to local commerce.

Councilman Schiro asked if the jobs discussed will be local jobs. Mr. Janney said that he believes the company has internal crews for the construction of the facility but the long term jobs will be local. Mr. Gibson confirmed that the positions at the facility will be hired from the local community.

Eric Gibson- General Counsel for United Propane Gas, Paducah KY

Mr. Gibson introduced himself to Council members and stated that he is from the company's headquarters located in Paducah, Kentucky. Mr. Gibson said that he would be happy to answer any questions and asked that Council consider the approval of the special use permit. Councilwoman Menefee inquired about what factors drew the company to Luray. Mr. Gibson said that the company had been talking with a group of area poultry growers and that they are also considering a plant in Moorefield, West Virginia. Mr. Gibson said that it is his understanding that the company hopes to provide service to local poultry growers and then to also establish residential customers. He said that the response from poultry growers has been so positive that the company feels the establishment of a plant in this area is worth pursuing. Ms. Menefee asked if the company also caters to poultry growers near its home base area. Mr. Gibson said that the company serves poultry associations in eleven states total. He added that

the company also serves many tobacco farmers who utilize propane fuel. Mayor Presgraves said that the more vendors available the more competitive the pricing will be for consumers. Councilman Schiro inquired about the cost of constructing the facility. Mr. Gibson stated that it would be approximately \$150,000-\$200,000 without the cost of land acquisition. He added that there will also be some excavating work done on this location. Mr. Gibson said that sometimes the company will contract the construction portion with a local builder, due to the distance from headquarters. He said that the tank installation will be done by the company's own crew for safety reasons. Councilman Schiro asked Mr. Gibson if he could provide a commitment that the jobs would be local jobs. Mr. Gibson said that the plant manager, office manager, and drivers will be hired locally. He added that during peak times there may be an additional part time employee due to volume of service. Mr. Gibson said that the supervision of the plant will be from Kentucky. Councilman Racer asked about the transportation of fuel. Mr. Gibson said that the company does have its own transport company, with no use of rail services.

Jon Phillips, Page County EDA Chairman

Mr. Phillips, Page County EDA Chairman, said that the EDA has been reorganized and is now going full force in creating jobs for Page County and Luray. Recently, the EDA sold ten acres of property to Wrangler/Vanity Fair. He advised Council members that there were two purposes for this; providing the EDA available cash to expand its operations and to give a commitment to Wrangler to stay in the community by investing in additional property. Mr. Phillips said that the local famers association had contacted them in their desire to find a propane company to serve the poultry industry. Therefore, Mr. Phillips stated that he contacted United Propane and then met with representatives. He added that the representatives toured Page County and narrowed the location to the site being discussed this evening. Mr. Phillips clarified the concerns about the roadway by adding that VDOT had made improvements to this roadway many years ago. Mr. Phillips said that the EDA is working to deed the roadway over to the Town as a public street. He said that this should mean about four to five more jobs for Page County citizens and that he hopes the Council will approve this special use permit.

Mike Uram, Former Member of Page County EDA

Mr. Uram said that he is a former member of the Page County EDA and is a resident of the Town of Stanley. He added that he is very concerned about the growth and development of the county and towns. Mr. Uram said that this effort by the EDA is a step to providing better services to our community.

With no further comments from the public, Mayor Presgraves closed the public hearing.

Motion: Councilman Racer motioned to approve the special use permit for United Propane Gas; motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Mayor Presgraves excused Town Attorney, Jason Spitler, from the meeting.

GENERAL CITIZEN COMMENTS

David Glover (Luray Triathlon)

Mayor Presgraves thanked Mr. Glover for all that he has done for the community by bringing the triathlon to Luray. Mr. Glover said that he has provided a handout for Council that has race information; however he would like to show Council a short video reviewing the Luray Triathlon. Mr. Glover stated that nearly 1,400 athletes signed up for this year's event, with about 1,300 active participants. He added that about 87 athletes competed in both days' events. After the video, Mr. Glover provided a power point presentation that detailed highlights of the race, statistics, participant feedback, and the overall economic impact. The dates for the 2012 Luray Triathlon are scheduled for August 18th and 19th.

Chris Gould (Page Valley Cycling)

Chris Gould, Page Valley Cycling, is a co-owner of Hawksbill Bicycles and is a part-time resident of Page County. He advised Council members that he will be providing a quick snapshot of his events. Mr. Gould said that he has provided a handout for Council that shows the economic benefits to Page County/Luray. First, he said that he would like to thank the town for all of its support and commended the Parks and Recreation Department and Luray Police Department. Mr. Gould explained that the Luray Criterium was paired with two other events; the Page Valley Road Race and the sprinting competition held in Shenandoah. He explained that the objective of pairing these events was to encourage visitors to stay longer. He said that the objective of the events is to provide a good event for the community and to promote a good economic feedback. Mr. Gould stated that 800 people with 450 racers participated in the "Tour of Luray". He felt that this was a really good turnout given the current economy. At least four Virginia races were cancelled this year due to lack of participation. He advised that the amount of money spent locally on lodging, food, and merchandise increased significantly. Overall, he estimated local spending to be between \$59,000-\$65,000, up from 2010 spending. Mr. Gould said that his post event surveys reflect that guests are likely to return to Luray for other reasons. Lastly, he discussed plans for next year which may include a stage race, currently none are conducted in Virginia. He hopes to implement the new stage race event in the early spring and keep it separate from the August races. Mr. Gould concluded by reminding Council and Staff that one more event is still upcoming in December, The Luray Caverns Race.

Mayor Presgraves encouraged both Mr. Gould and Mr. Glover to consider incorporating the Luray Bicentennial celebration in promoting their 2012 events.

Luray High School – Student Council Representative

A representative from Luray High School SCA asked Council for permission to conduct the LHS Homecoming Parade. She advised that they would like to keep the same route as last year and plan to conduct the parade on Wednesday, October 19th.

Lieutenant Wayne Petefish advised that usually a police escort is in both the front and back of the parade lineup. Mayor Presgraves confirmed that the route leaves from Luray Middle School and goes to

Bulldog field. Council members had no objections to the parade route. Town Manager, Rick Black, requested that he be contacted with the time for the parade.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Liz Lewis reminded Council of LDI's Annual Fundraiser coming up on Thursday evening at the Warehouse Art Gallery. She said that the theme of this year's event is "Love Your Downtown" and will feature live music and food featured by restaurants along Main Street. The event will include auction items and is a casual event.

Ms. Lewis said that LDI has hosted several consultants over the last few months. She also reported that LDI has received a grant in the amount of \$25,000 to perform a feasibility study on the Bridge Theater. She hopes that the study will be complete in December and will include feedback from a restaurant and theater consultant, appraiser, engineer, and estimates from a contractor. She stated that she feels this project will have huge potential in changing the downtown dynamics.

Ms. Lewis said that LDI is also conducting a buy local challenge. Local writer, Jen Savedge, will be buying local and blogging about this on the LDI website. She hopes this will bring awareness about buying local and tell others what products may be missing in Luray.

Luray/Page County Chamber of Commerce

Ms. Briana Campbell reviewed the statistics for August, citing 450 local calls, 400 local walk-ins, 600 tourist calls, and 2867 tourist walk-ins. Ms. Campbell said that many walk-ins were due to athletes who were in town for the triathlon event. She advised that the next chamber event is the Business After Hours that will be at the Wisteria Farm and Vineyard in Stanley. Ms. Campbell stated that the 2012 Visitors Guide arrived today and that it will be shipped to distributors immediately. She noted that the Bicentennial advertisement looks very good and displays the official logo. Ms. Campbell said that the month of September brings the fiscal year end for the Chamber of Commerce. She stated that plans are underway for the annual banquet that will be held at Big Meadows Lodge on November 3rd. Ms. Campbell said that steps have begun to obtain a matching grant from the Virginia Tourism Corporation. The grant will assist with the cost of developing the new branding strategy and new chamber website. She, along with Pam Flasch and Emily Campbell, are working on the draft version of the grant and preparing for submission.

Luray Bicentennial

Pam Flasch provided Council members with handouts on detailing the planned Bicentennial Events. She stated that the committee has been split into two different groups. One group will be working on historical items and the other group will be working on event planning. She cited that the history group is focusing on the upcoming video production that the town has purchased from Oak Tree Productions. The filming of this video will take place next month and should take approximately six weeks for production. Ms. Flasch said that the first item for the Bicentennial Committee in 2012 will be the premiere of the video. She also advised members of the plans for a Miss Luray Pageant that will be a

qualifying pageant for eligible age young ladies. Ms. Flasch said that the committee plans to do quarterly updates in the water bills. The Page News and Courier will also feature newspaper segments. Ms. Flasch also discussed downtown banners that would go up in early January and will be designed so that they can be used in future years as well. Lastly, she and Ms. Lewis will be talking with downtown businesses to coordinate the sale of merchandise.

Airport Commission

Mr. Powell Markowitz thanked Council members for their approval of the federal grant earlier in this evenings meeting. Mr. Markowitz provided an economic impact study from the Virginia Airport System. He also advised Council members that the commission is losing two hangar rentals but will be gaining five rentals. He told Council members that the next commission meeting will be on Wednesday, September 21st.

DEPARTMENTAL REPORTS

POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES

Lieutenant Wayne Petefish was present for the meeting in the absence of Chief Campbell. Lt. Petefish said that the monthly report had been provided for Council. He said that last month was very busy with many events taking place. He added that in the next few days the department will be holding mandatory state qualifications for weapons. Lt. Petefish reminded Council that Chief Campbell has extended an open invitation to them to attend.

PARKS AND RECREATION

Pat O'Brien, Director of Parks and Recreation, said that Christmas Parade invitations are going out. He added that Halloween event planning is ongoing and will take place on October 31st at the Ralph H. Dean Recreation Park. Mr. O'Brien distributed a draft drawing of the landscaping layout to be installed behind the old H&H building. He reminded that the Zelcova trees in this area were removed due to problems with roots interfering in sewer and electrical lines. The new landscaping plan consists of utility friendly trees and shrubs. Councilman Lancaster suggested planning these trees in vaults to contain the root systems. Mr. O'Brien said that this may be more costly but that the new plantings should not cause any problems. He said that most of the plantings are small and no shade trees will be used. Councilman Schiro confirmed that Mr. O'Brien is going to proceed with this landscaping plan.

PUBLIC WORKS DEPARTMENT

Lynn Mathews, Superintendent of Public Works, said that the department repaired five water leaks and replaced one service line on Reservoir Avenue. Mr. Mathews said that the department responded to five sewer calls and replaced one sewer line in the parking area behind 30 East Main Street. Mr. Mathews said that upcoming projects for his department will include the storm drainage program, road repairs, paving and patching, roadside trimming.

WTP AND WWTP

Charlie Hoke, Director of Utilities, stated that the Water Treatment Plant is running as designed and all distribution samples came back negative. Mr. Hoke said that there was one notable event that occurred which was during the earthquake a few weeks ago. He stated that the turbidity on raw water went from .1ppm to .8ppm. Mr. Hoke said that the finished water limit is set at 1.0ppm; with a shut down level of 2.0ppm.

Mr. Hoke said the Wastewater Treatment Plant is operating well and that the facility is in full compliance. He advised that the plant is still awaiting the delivery of the four pumps and that he does not have a delivery date confirmed yet.

PLANNING

Town Planner, Ligon Webb, said that that the meeting for the six year improvement plan is still scheduled for September 29th. The follow up meeting will be held on October 11th and will be open to the public.

Mr. Webb said that he is still awaiting information from Mr. Chris Ramsey for the friendly boundary line adjustment.

OLD BUSINESS

Town Manager, Rick Black, stated that there were no items to be covered under Old Business.

NEW BUSINESS

Luray Caverns Airport (Professional Engineering Services)

Town Manager, Rick Black, advised Council that the Virginia Department of Aviation requires that every five years airport owners must select a consulting engineer to provide professional engineering services to the airport. The RFP included in your packets was advertised on July 29, 2011 in the Daily News Record. Delta Engineering, our current consultant was the only respondent to the advertisement. The Luray/Page County Airport Commission has reviewed the proposal submitted and is recommending that the Town and County reselect Delta Engineering to be their consulting engineer on airport matters for the next five years. **Motion:** Councilman Arrington motioned to appoint Delta Engineering as the airport consultant for the term of five years, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Luray Farmers Market (Fall Bar-B-Q Festival)

The Luray Farmers Market has requested permission to use the SVEC parking lot and adjacent grass area for a Fall BBQ Festival. This festival would serve as a fundraiser to help offset operating costs of the market. The festival is proposed for Saturday, October 29th from noon to 11:00pm and would include BBQ, live music, beer, and wine. The Farmers Market would be responsible for obtaining their

ABC license and insurance for the event. Since the proposal requests that beer and wine be sold on Town property, similar to the Festival of Spring, Council will need to approve or modify this request.

Councilman Lancaster said that he did not want to see beer and wine sold on the Greenway. He said that he feels this will spill over onto the Greenway area and he is uncertain of how this will be controlled. Mr. Lancaster said that in order to have a beer and wine license there must be one entrance and one exit. Councilman Racer said that this issue can be solved by using tape around the area and has taken care of the issue in other instances. Mr. Racer expressed that he thinks this is a very good effort since the market is trying to raise their own funds rather than relying solely on donations. Councilwoman Menefee also expressed concern for the events close proximity to the Greenway and that this is an all day event. Councilman Schiro said that he would like to hear what the police department requests. Lt. Petefish said that he did not feel Chief Campbell would readily endorse alcohol on the Greenway; however, if it can be controlled, he likely would not oppose it. Lt. Petefish said that the Greenway has always been reserved as a family environment. He said that most beer and wine garden environments have elevated prices and are done so in a manner to discourage over drinking. He said that this may not be an issue as long as there is sufficient control. Councilman Vickers asked how many attendees are expected. Mr. Black said that this would be limited by ticket sales and/or space. Councilman Racer said that a precedent has already been set with the Festival of Spring having alcohol and that he finds no issue with this request. Mayor Presgraves said that he feels that perhaps a better location could be chosen. Council members continued to discuss the sale of alcohol near the Greenway and also discussed the sale of food in this area. Councilman Schiro clarified that the issue is with the beer and wine, and that the festival can be held otherwise. **Motion:** Councilman Racer motioned to approve the request from the Luray Farmers Market, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Racer. NAY: Arrington, Menefee, Lancaster, Schiro. **Denied 4-2**

Luray Rescue Squad (Water & Sewer Request)

Town Manager, Rick Black, said that the Luray Rescue Squad is requesting that their proposed facility located on Leaksville Road be served by Town water and sewer. This property is not within the corporate limits. Mr. Black said that the facility fees for water and sewer (2" service line) would be \$81,020. The engineer's estimate for the water and sewer lines is \$130,000. The Luray Rescue Squad is requesting that the Town of Luray make a donation back to them in the amount of \$81,020 to be used towards the installation of water and sewer to the site. Mr. Black said that Mr. Gary Shirley, Racey Engineering, is in attendance to address this information.

Mr. Gary Shirley, Racey Engineering, said that he wants to inform Council members of the technical aspect of the water and sewer lines. Mr. Shirley said that he asked Mr. Chad Gregg, LVRS, to give a brief history of the land acquisition issues that the squad has encountered over the past years. Mr. Shirley said that there is an option of doing onsite water and sewer system; however, with a commercial kitchen and social hall planned, using the public water system would be best. Mr. Shirley said that a site plan, storm water management plan, and water quality reports are satisfied. He explained that there is an existing 2" water line that goes past the property and beyond the entrance to the high school. Mr. Shirley said that this line is not large enough to supply the needs of the rescue squad building. This would require that the squad building connect with the six inch line that is in front of Whispering Pines. Mr. Shirley said that all items are moving forward with this site and a floor plan has been worked out

with the architect. The design of the building is moving ahead; therefore, it is important to iron out the utilities. Mr. Shirley said that if a line was being installed for the rescue squad only, the line would be sized appropriately for this building and that no future taps would be possible. He feels that while this installation is happening, the town could bring a larger line to the site and reconnect existing customers to improve the quality of their service. Mr. Shirley said that he is aware that when a customer is out of town they are required to provide their own cost of installation. Lastly, Mr. Shirley asked Mr. Chad Gregg, Captain of the LVRS, to give some background on why this site was chosen.

Council and Staff discussed customers that would be affected by this line. Council and Staff also discussed the existing lines and where those are connected in the areas of Whispering Pines and Main Street. Mr. Shirley explained that there would be a large section of improved line on Leaksville Road and that the old line would be abandoned. Councilman Lancaster said that usually the applicant would pay for the installation of the required size line and the town would cover the cost of upgrading the line to a larger size. Mr. Shirley explained that the design for the new building is at the point in which these decisions need to be made so that the project plans can move forward. He further explained that there are two directions that can be taken; tapping into the existing six inch line or installing on site water and sewer facilities.

Mr. Chad Gregg, Captain of Luray Rescue Squad, said that this project has been going on for far longer than his eight year membership. He said that over the past decade the organization has looked at a minimum of ten properties and incurred the associated costs in trying to acquire various properties. He told Council that some of these properties would have cost at least \$500,000 in land acquisition costs only. Therefore, he emphasized that the organization was very pleased to acquire three acres of property on Leaksville for a cost of \$30,000. He acknowledged that better locations were reviewed but not at an affordable price. He added that the property has the potential to be annexed into town in the future and the area is included in VDOT plans for road improvements. Mr. Gregg said that he would be more than happy to hear Council accept the proposal from the rescue squad. He referenced Councilman Lancaster's discussion of upgrading the line and offering assistance in the cost difference.

Councilwoman Menefee inquired about the funding for this project. Mr. Gregg said that the organization is financially stable and has been saving for this project. He stated that the organization has planned for this new building and will be financing the remainder of the costs through Rural Development. The current sources of income for the squad are through donations, fund drive, and fundraisers. He added that a new facility would allow for more income with expanded facilities.

Councilman Schiro asked what has driven the need for a new facility. Mr. Gregg replied that the current facility was built in 1973 and does not meet the current standards for rescue. He said that currently providers cannot meet the national standards for response time. The current facilities have no accommodations for overnight staffing, thus increasing response time. A new facility will enable the use of bunk facilities, showers, training facilities, and will be ADA compliant. The current building cannot accommodate members with disabilities. A new facility would also include a social hall that would allow for rentals, thus increasing income. Mr. Gregg said that any help with the cost of the proposed water and sewer connections would be beneficial due with the source of most revenue coming from citizens.

Councilman Vickers asked what would happen with the old building if a new one is constructed. Mr. Gregg said that the property was deeded to the rescue squad but a provision was included to revert ownership to the hospital if the building is vacated entirely by the organization. He mentioned that previous negotiations had taken place with Page Memorial Hospital. However, since the hospital's merger with Valley Health Systems the planned improvements for the current facility were put on hold indefinitely by Valley Health. Mr. Shirley said that a great deal of time and planning had taken place with Page Memorial prior to the merger. These negotiations would have provided for an additional ten feet of land at the rear of the property and have been put on hold. Mr. Shirley said that architect and engineering fees incurred were basically lost on this effort. Mayor Presgraves advised that land was offered to the organization years ago by the hospital board. He also expressed concern for how two facilities could be operated. Mr. Gregg replied that two operations would not exist; the current building would be utilized in other ways and the operations would be based out of the Leaksville Road site. Mr. Gregg also stated that they could not receive funding to improve the current location due to the language of the deed.

Mr. Shirley summarized that basically the organization is asking if any assistance is available. He stated that hopefully Council is aware of what utilities are desired, what exists currently, and what the project can do to improve utilities for the current users. Mayor Presgraves said that he recalls some consideration being given when the schools were built. He stated that he is not opposed to seeing the town improve the size of the current line. Councilwoman Menefee told Council that she would like to see some assistance given, whether it will be the full amount or some percentage of the cost. Councilman Schiro cautioned that these connection fees are structured to offset the debt service of the town. He emphasized that if these costs are written off then the expenses of the town's capital improvements are passed on to the existing customers. He said that the town is obligated to look out for the interests of the existing customers and that the in town customers must be Council's obligation. Mr. Schiro said he is not opposed to some assistance but is not in favor of waiving the entire amount. Councilman Lancaster suggested this may be best for a work session to allow for more discussion. Councilman Vickers inquired about the use of an onsite well and septic system. Mr. Vickers said that he would like to table discussion for now and discuss further in a work session. Mayor Presgraves said that the Council Work Session meeting is on September 27th and asked if this would be enough time. Mr. Shirley replied that two more weeks would not hurt the overall project. Councilman Schiro asked to see some of the site plans at the work session. Council members agreed to hold off on this discussion until the meeting on September 27th. Mayor Presgraves asked Mr. Shirley and Mr. Gregg to both attend to assist with any questions from Council.

PUBLIC HEARING

Amendments to the Town's Zoning Ordinance

Town Planner, Ligon Webb, told Council that the public hearing is for proposed changes to the Town's zoning ordinance related to electronic offices, home occupations, and professional offices. The proposed changes create revised definitions for electronic offices, home occupations and professional offices. If adopted, the proposed changes would only affect new applications for such offices/occupations, and not existing offices/occupations. Mr. Webb explained that he was directed to have the Planning Commission work on these revisions and he is pleased with the revisions. The commission was asked to improve the current definitions and he believes that this has been

accomplished and the revised definitions are clearer and more consistent. The first proposed revisions change the term “electronic office” to “electronic occupations”. The definition is broad and comprehensive and allows people to work from home and states that an occasional visitor is discouraged but is not unrealistic. Individuals must obtain a town business license and the proposed change would be allowable in zoning districts R1, R2, R3, R4, R5, B1, and PND. Councilman Lancaster inquired about the difference between “electronic office” and “electronic occupation”. Mr. Webb said that the term office lends to the idea of a structure and the term occupation describes better what the person actually does.

The second change redefines “home occupation” and is not too substantially different from the existing definition. The only remaining matter for Council is that the proposed change does allow one outside employee. Council needs to determine if they feel this is appropriate or if they want to remove this provision. This proposal would be allowable by-right in the B1 zoning and would be removed as a by-right use in R3 and R4. The proposed definition would be added as a special use permit in R3 and R4 zoning districts. Mr. Webb said Council will need to consider if home occupations would be allowable by special use permit in the R2 zoning district as recommended by the Planning Commission. Councilman Lancaster said that he would like to see this removed from the changes.

Mr. Webb said that “professional offices” are redefined to include a sign and allow one outside employee. The definition is more comprehensive and has been taken from R3 and R4 as a by-right use and changed to a special use in R3 and R4.

Mayor Presgraves said that with current economic times, it would be beneficial to the town to be as least restrictive as possible. He stated that it is very tough for many in our community to make a living and that we have so many citizens who are unemployed. Mayor Presgraves said that he understands Council will want to maintain the integrity of these definitions but that it should not be overly restrictive. Mayor Presgraves and Councilman Arrington both agreed that the special use permitting process can be very expensive. Mr. Webb said that these proposals probably should have been in place initially and he does not foresee any problems. Councilwoman Menefee said that she also supports home occupations in an R2 district, but may not necessarily agree on one employee.

Town Planner, Ligon Webb, asked Council if they wish to vote on each amendment change separately or if they would like to table this and discuss further in a work session. Mayor Presgraves then opened the public hearing for citizen comment on these proposed ordinance changes. With no one present to speak on this issue, the hearing was closed. Councilman Vickers stated that he is in favor of including “home occupations” by special use permit in the R2 zoning district. Mr. Vickers said that he would like to see Council vote on the changes as a whole. **Motion:** Councilman Vickers motioned to approve the amendment to the town zoning ordinance related to electronic offices, home occupations, and professional offices, allowing “home occupations” by special use permit in the R2 zoning district and not to allow one outside employee; motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Vickers, Menefee, Schiro, Racer. NAY: Arrington, Lancaster. **Approved 4-2**

LFCC: Deed of Lease Agreement

Town Manager, Rick Black, advised that the lease remains the same and a public hearing was held a year ago on September 13, 2010. A recommendation was not received from the Attorney General’s

office on behalf of Lord Fairfax Community College. This year the amount of property has been restructured and the college is using additional square footage. The town remains the facilitator of the lease between the college and the owner of the building. Mr. Black is requesting authority to change the prior dates to update the agreement to current. Council agreed to authorize Mr. Black and Mr. Spitler to revise the dates of the agreement.

ADJOURN

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 9:40 P.M.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer

DRAFT