

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

**MONDAY, DECEMBER 9<sup>th</sup>, 2013**

The Luray Town Council met in regular session on Monday, December 9<sup>th</sup>, 2013 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  
Pam Flasch  
Mary Menefee  
Leroy Lancaster  
Joey Sours  
John Meaney

Mary Broyles, Town Clerk/Treasurer  
Danielle Babb, Deputy Clerk/Treasurer  
Ligon Webb, Town Planner  
Jason Spitler, Town Attorney  
Lonnie Foster, Luray Police Department  
Liz Lewis, Luray Downtown Initiative  
John Robbins, Luray Page County Chamber  
Attorney Rodger Smith, Legal Counsel  
Johnny Woodward, Chairman –Page County Board of Supervisors  
Pat Racey, Racey Engineering  
Tyler Austin, Racey Engineering  
Bob Borgie, Special Use Permit Applicant

**Also Present:**

Charlie Hoke, Town Manager  
Bryan Chrisman, Assistant Town Manager

A quorum being present, Mayor Barry Presgraves declared the Council to be in session for the transaction of business. All present stood for a moment of silence. Councilman Meaney led everyone in reciting the United States Pledge of Allegiance. The roll was called with all members present.

**CONSENT AGENDA**

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

***Consent Agenda***

- A) Minutes of the November 12, 2013 Regular Council Meeting
- B) Minutes of the November 19, 2013 Special Council Meeting
- C) Minutes of the November 13, 2013 Planning Commission Meeting
- D) Financial Report – Month Ending November 30, 2013
- E) Accounts payable checks totaling \$136,020.01

## **SETTLEMENT PRESENTATION**

### **Attorney Rodger Smith, Legal Counsel**

Mayor Presgraves welcomed Mr. Smith to present information on the settlement agreement. Attorney Rodger Smith stated that as most members are aware, several weeks ago a compromise settlement was reached regarding the claim of former Town Manager Richard Black. At the counsel's advice the town was asked not to release this information to the public at this time; due to the provision within the settlement that provided for a time period in which the document could be rejected. Mr. Smith advised that such time period has now expired and it is time to make the settlement public. Mr. Smith told members of the public that the Town of Luray reached an agreement in private session, which was later announced in public session, where the council voted on a proposed agreement. The terms of the agreement have not been released, but are available for release today. The settlement provisions are outlined in a written settlement agreement that has been signed by Mr. Black and by the Town of Luray. The council voted unanimously to approve the settlement agreement. Mr. Smith stated that the agreement is indeed a compromise agreement and is substantially less than Mr. Black's request and is a little more than what the town had wanted to pay. However, he explained that this is the very essence of a compromise agreement in order to avoid further litigation. The agreement provided for an additional payment to Mr. Black of \$19,171.25 in the form of a check that was released to Mr. Black's counsel today. Mr. Smith explained that essentially Mr. Black received the same amount of compensation that any other like employee would have received under the personnel policy of The Town of Luray. Mr. Smith emphasized that Mr. Black did not receive any more or any less than any other town employee would receive with a like contract. The agreement also provides that each party would pay their own attorney's fees. At this stage of litigation those fees were beginning to mount up and those will be paid by each party involved. Mr. Smith said that if the press or members of the public want to review the totality of the agreement it is available for review and inspection at the town office, Mr. Smith's office, or the office of Mr. Rose. Mr. Smith said that he is awaiting the judge's signature on the final settlement order, and then both pending cases will be dismissed and removed from the court's docket as settled.

## **GENERAL CITIZEN COMMENTS**

### **Farmers Foliage Festival – Johnny Woodward**

Mr. Woodward thanked the Council for time to speak with them this evening and noted that he was here to present information on two topics. First he would like to discuss the concept for the Farmer's Foliage Festival. He explained that this is a cooperative effort between Page County and Page Public Schools to organize a festival to promote the county. He explained that in order to promote Page County, each town must also be promoted. Mr. Woodward would like to ensure that each town is "on board" with this festival. The tentative date is October 17-19, 2014 and would be a 3-day event to showcase Page County. Mr. Woodward explained that the festival agenda could potentially include a train ride from Shenandoah to Vaughn Summit, Bluegrass concert, block party, contests, arts and crafts, cruise-in, agri-tours, and more. Most importantly, he would like to know if all towns are on board with these efforts. With this, plans would include using the school parking lots for RV parking, and parking for shuttle services. Mr. Woodward inquired as to what type of event the town might be interested in

before settling on an agenda. Mayor Presgraves inquired about the times and locations of the events. Mr. Woodward said that he would like to see a full schedule of events so that there is a continuous flow of things to attend. Mayor Presgraves asked about the coordination of these events. Mr. Woodward stated that a committee has been formed with current members including; himself, Ms. Powers (School Board Superintendent), Mr. Robbins (LPCCC), and various others. Councilman Lancaster asked how the name for the festival was derived at and how the Heritage Festival would be affected. Mr. Woodward said the idea was to showcase the towns and the area farms. He advised that this would be the weekend following the Heritage Festival and the intent was not to discourage attendance at the festival but rather to enhance it. Councilwoman Menefee inquired if this would become an annual event. Mr. Woodward replied that those involved would like to see this become an annual event and overall keep people coming back to Page County for tourism. Councilman Vickers inquired if the events would be free or if each would have a charge for admission. Mr. Woodward said these would be details that would be worked out later, but there would be some of both types of events. Overall, he said the goal is to showcase the county and to raise additional funds. Councilman Meaney inquired how the concept came about. Mr. Woodward said this was a result of discussions between himself and the school superintendent. Councilman Sours inquired about the agenda/schedule of events for festival. Councilman Meaney asked how soon a decision would be needed from council members. Mr. Woodward said that a decision this evening would be nice, but if the council needed more time to discuss that would be fine. Mayor Presgraves said that he did not see any negatives to the concept and that it would be beneficial to the other towns and the county as a whole. Mr. Woodward added that this could help showcase the town to potential new business interests. Councilwoman Flasch inquired about advertising and outreach for the event. Council and Mr. Woodward discussed advertising options and the advantages/disadvantages to holding the festival during the height of tourism season. Mayor Presgraves concluded that he feels the Council would be willing to work with the county and towns in helping out with this concept. Mr. Woodward said that the next meeting for the committee would be on December 16<sup>th</sup> at 5:00pm in the Board of Supervisors room.

### **Request from Page County – Johnny Woodward**

Mr. Woodward said that he would like to make a second request this evening for consideration by the town council. As Chairman of the Board, Mr. Woodward would like to know if the town would consider placing the former schoolhouse “cupola” in the area of the Greenway. Mayor Presgraves and Councilman Lancaster both agreed to deny the request. No other Council members commented on the suggestion. Mr. Woodward said that the idea was to place the structure where it would be most visible. Councilman Lancaster suggested locating it at Hamburg with the other historic structures. Mr. Woodward agreed this was a good thought and he would pass this along.

## **PUBLIC HEARINGS & PRESENTATIONS**

### **Zoning Ordinance Amendments**

Town Planner, Ligon Webb, presented information on the public hearing for Zoning Ordinance Amendments. It is proposed that Appendix A (Zoning), Article II (Definitions), Section 202 (Specific Terms), specifically the term “Apartment House” be amended. The proposed amended definitions is as follows: Apartment House: A building used or intended to be used as a dwelling by two or more families living independently of each other and who do their cooking therein. A building containing one apartment unit may be considered an apartment house

provided it is located on a single commercially zoned lot with other apartment houses containing two or more apartment units. In addition, apartment houses shall be required to meet all Town Code and Building Code requirements. Mr. Webb said that previously Ms. Susan Custer applied for a Special Use Permit and a Public Hearing was held. Mr. Webb advised members at the time that the definition for Apartment House did not match the request. Mr. Webb feels that Ms. Custer's request is reasonable and is a good use of the property. Despite this, he could not move forward with the current definition of apartment houses as written. Mr. Webb explained that basically the revision is broadening the current definition.

The second proposed amendment is for Appendix A (Zoning), Article IV (District Regulations), Section 402 (Medium-Density Residential District – R2), 402.2 (Uses Permitted by Special Permit), (d) Bed and Breakfast Home. Mr. Webb said that several years ago he discussed with Mr. Bob Borgie a Bed and Breakfast Home in an R2 Zoning District. He advised that the current definition only provides for Bed and Breakfast homes to be located in an R2 District on Court Street only. The Planning Commission is recommending expanding the definition to include Blue Ridge Avenue. If the definition change is approved, Mr. Borgie would still need to come before Council with a Special Use Permit Request. Councilman Lancaster said that he has spoke with Mr. Webb earlier in the day on some of his questions, yet he is still not in agreement with the changes. Councilman Lancaster said that the issue is not with the nature of either request, but with making changes to the ordinances to fit the situation. Mr. Lancaster said that it is difficult to designate specific streets or neighborhoods as suitable for Bed and Breakfast homes, as not all homes are suitable for this use. Mr. Webb said that even if all R2 Districts are open to Bed and Breakfast homes, a special use permit is still required. Councilman Lancaster questioned why the Planning Commission suggested making the change to include Blue Ridge Avenue. Councilwoman Flasch stated that she was on the Planning Commission at the time this decision was made and the reasoning was that Mr. Borgie has an ideal location for this use and there would be no need to broaden the definition even further by including all R2 homes. Ms. Flasch said that the commission reviewed all streets where this may arise and Blue Ridge Avenue is the only home with interest. Town Attorney, Jason Spitler, stated that the Planning Commission has made a recommendation; ultimately the decision is up to the Town Council members. He suggested that members are free to enact the ordinance as presented or to make changes. Mr. Spitler also suggested revising the ordinance to delete the references to streets and street frontage. Councilman Lancaster said that ultimately he would like to see these reviewed on a case by case basis. Mr. Webb stated that in order for the request to be entertained the ordinance will still have to be amended.

Mayor Presgraves opened the public hearing for citizen comment.

**Bob Borgie - 7 Blue Ridge Avenue**

Mr. Bob Borgie said that he has been a resident of Blue Ridge Avenue for approximately 32 years and said that the historic portion of his home was built in 1903. Mr. Borgie said that he is considering retirement and would like to pursue operating a Bed and Breakfast at his home. He stated that he would enjoy welcoming people to Page County and to his home. As a former member of the Planning Commission, Mr. Borgie said that he is in agreement with much of the discussion this evening. Mr. Borgie said that his location is suitable with seven off-street parking spaces. He said that overall this is a retirement plan for himself and he looks forward to welcoming people to Luray.

With no further comments from citizens, Mayor Presgraves closed the public hearing. Councilwoman Menefee said that she would be in favor of Mr. Spitler's suggestion on amending the ordinance to delete specific street names.

**Motion:** Councilwoman Menefee motioned to amend the Zoning Ordinance/definition of Bed and Breakfast Homes to be permitted only in single-family detached dwellings in an R2 District by Special Use Permit as discussed, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

**Motion:** Councilman Vickers motioned to approve the amended definition of Apartment House as proposed, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

Council discussed Ms. Custer’s request regarding apartment housing and the location of water meters on the property.

**Motion:** Councilman Sours motioned to take from the table the request for a Special Use Permit from Susan Custer, motion seconded by Councilwoman Menefee with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

**Motion:** Councilwoman Menefee motioned to approve the Special Use Permit for Susan Custer, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

## **DEPARTMENTAL REPORTS**

### **PLANNING AND ZONING**

Town Planner, Ligon Webb, said that he had nothing further this evening and that a written report was provided for Council members. Councilwoman Menefee asked why Council is now approving the Planning Commission minutes as a part of the Consent Agenda. Ms. Menefee requested that the minutes be submitted for information only. Lastly, Mr. Webb reminded that Councilman Meaney will be responsible for nominating a Board of Zoning Appeals member.

Councilman Vickers asked about the next phase of monument restoration. Mr. Webb said that the work will require about \$14,000 worth of repairs, with little structural issues. He said that the job is minimal and that the United Daughters of the Confederacy have raised nearly \$13,000 in funding.

Councilman Lancaster recalled the town purchasing a pressure washer many years ago in order to clean the monuments annually. Mr. Lancaster suggested researching the town’s responsibility to maintain the monuments. Mr. Webb said that he has been advised against pressure washing the monuments.

Councilman Sours suggested a short bio on newly nominated committee/commission members that are suggested, prior to a vote by members.

## **TOWN AFFILIATED BOARDS AND COMMISSIONS**

## **Luray Downtown Initiative**

Ms. Liz Lewis updated Council members on two grants submitted to Virginia Main Street. The building feasibility study for \$20,000 and the Broad Street Downtown Gateway Improvement grant for \$25,000 have not yet been awarded and LDI is anxiously awaiting this information. LDI is also working on a BEE Grant with DHCD, Safe Routes to School-Non Infrastructure Grant, and recently attended a meeting with the Artisans' Center of Virginia about an Arts Trail. Ms. Lewis said the Buy Local Farmer's Market Grant will end in December, with the closing of the Market Collective. LDI recently attended a Farm-to-Table Conference to gather ideas about agriculture opportunities and Page County Grown represented the area well at this meeting. Ms. Lewis added that agriculture economic opportunities are also the focus of Virginia's Artisans' Trail. LDI will also be serving on the Main Street Bridge Outreach Team and will be using design services offered through Virginia Main Street to put some conceptual drawings together. Ms. Lewis said that once again the Turkey Trot was an amazing community event with 325 racers participating. She said that the proceeds from the race will benefit Page Free Clinic and Page One Cancer Patients. The final event of the calendar year for LDI will be "Find Santa", which will be held on Saturday, December 14<sup>th</sup> from 3:00-5:00pm.

Councilman Lancaster asked Ms. Lewis if the additional feasibility study grants are received, if she anticipates that the results will be different. He recognized that even though these are grant funds, the funds are still generated from taxpayers. Councilman Lancaster said that he doesn't expect the results to be any different. Ms. Lewis expressed that the feasibility studies are useful reference tools for LDI and she hopes will be useful in negotiating with vacant building owners.

## **Luray Page County Chamber of Commerce**

Director, John Robbins, also reported on a few updates for the Chamber and emphasized "buying local" during this time of year. He stated that buying local is becoming more important with the rise in online shopping. Mr. Robbins stated that once a month the Chamber is featured on a radio show in Front Royal and is called "Tourism Tuesday". He said that the radio spot is about a half-hour and last month featured Pat O'Brien and Morgan Housden, Luray Parks and Recreation, to discuss Luray's holiday events. Mr. Robbins said that he was very pleased with the results and that they are terrific with the media. Mr. Robbins also said that the Chamber will be serving on the Outreach Team for the Main Street Bridge construction. He said that he has been in contact with the Town Manager in Clifton Forge about their bridge closure and noted several positives that came out of the situation.

Tourists to the visitor's center totaled 1,106 during November, which was up 13% over last year. Tourist phone calls amounted to 345, a 9% increase over last year. Overall visitor's year-to-date is up from last year. Mr. Robbins said that the Chamber Board would like to remind Council members that the monthly meetings are held at 8:00am on the 3<sup>rd</sup> Wednesday of every month and are open to the public. The final Business After Hours for 2013 will be sponsored by the Luray Rotary Club at the Mimslyn Inn on December 19<sup>th</sup> at 5:30pm. Mr. Robbins said that with the year coming to a close, he would like to express gratitude to the Town of Luray for all of the maintenance and ground work that has been done at the Visitor's Center. He advised members that the one constant comment received from visitors is what a beautiful facility the center is. Mr. Robbins acknowledged the large amount of work and effort to maintain the visitor's center and is aware that staff and resources are not unlimited.

Mayor Presgraves complemented the Annual Chamber Banquet and said it was a very nice event. Mr. Robbins thanked Council members for attending.

### **Luray/Page County Airport Authority**

Mayor Presgraves said that Mr. Powell Markowitz is not present this evening and that he had no updates.

## **ACTION ITEMS**

### **VDOT SYIP Resolution – Dry Run Bridge**

Assistant Town Manager, Bryan Chrisman, said that the Dry Run Bridge (west bound lanes) is currently the town's next major funding item after the Main Street Bridge and the West Main Street modifications. He emphasized that the sooner this is added to the State's Six Year Improvement Plan (SYIP), the more state funded dollars can be added to this project. In 2010, the estimated cost to replace the Dry Run Bridge was about \$2.4 million dollars. The bridge sufficiency rating is just over 64 at this time. Once this rating drops below 50, the state will require the Town to implement a plan for remediation. Mr. Chrisman said that the addition of this project to the State's Six Year Improvement Plan (SYIP) listing with VDOT will allow prioritized state funding to be allocated towards this project. A resolution has been included in Council's packet for review. Mr. Chrisman requested that Council members take action on the resolution.

**Motion:** Councilwoman Menefee motioned to approve the resolution as presented, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

### **Bridge Project Management Proposal – Racey**

Assistant Town Manager, Bryan Chrisman, said that previously he has discussed with Council the need to change the project management proposal for Main Street Bridge. The current proposal from Racey Engineering was for about 2 years at just under \$50,000. Since the original contract, we now know that project management services can be reimbursable through the project and have since sent out a task order through the planning district commission requesting a formal proposal from our current project manager. The same services would be conducted under a federally authorized contract. The proposal has been included in Council's packets and members should note that the scope of services is significantly larger. As well, this agreement is for a term of 3 ½ years in order to serve the entire time frame of the project. In addition, pricing in the new agreement is now based on phases that align with the town's fiscal years to assist in the budgeting process. Mr. Chrisman stated that the VDOT Project Coordinator also has a copy of the proposed contract.

Councilman Vickers stated that he was not under the impression that it would take three years to build this bridge. Mr. Chrisman said that by managing the project ourselves, the town has actually saved some time and could have been another year beyond the current time frame under state administration. Councilman Vickers inquired about the actual time required to construct the bridge. Mr. Chrisman

responded that the current estimate is approximately 12-14 months for actual construction. He emphasized that the bridge will be closed no longer than absolutely necessary. Mr. Chrisman is recommending that Council approve the new contract and terminate the old contract.

Lastly, Mr. Chrisman said that Council members should begin to consider financing options for the project. He said that the concept of interim financing has worked well for the town in past projects and will help the town limit the impact of the project on its cash flow.

**Motion:** Councilman Vickers motioned to approve the new contract for bridge project management and terminate the old contract after the final payment for Phase II, motion seconded by Councilwoman Flasch with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

### **Council Resolution – State Mandates**

Town Manager, Charlie Hoke, said that resolution before members is from the Governor’s Task Force for Local Government Mandate review. The request is for reinstatement of the first day filing requirement; this requirement was in place prior to 2010. This is to inform legislators about the fiscal impact that the proposed mandates will have on localities. The Governor’s Task Force feels that the General Assembly needs to be made aware of the financial responsibilities for each bill that is before them. Mr. Hoke said that he feels this is extremely important and staff recommends approval of the resolution. Mayor Presgraves and Council members were in agreement.

**Motion:** Councilwoman Menefee motioned to approve the First Day Introduction Requirement for Bills with Local Fiscal Impacts, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

### **TOWN ATTORNEY’S REPORT**

Town Attorney, Jason Spittler, stated that his report was very brief this month. He stated that the court petitions and orders for the boundary line adjustments involving the Town and County have been finalized and are being circulated for execution. He anticipates getting an order from the Circuit Court prior to January 1<sup>st</sup> that would approve all of these.

### **ADJOURN**

Before adjourning the meeting, Mayor Presgraves provided several reminders. Mayor Presgraves advised that the Town Christmas Dinner will be held on Friday, December 13<sup>th</sup> with social/light refreshments at 6:00pm and dinner served at 6:30pm. The Page County Board of Supervisors will be holding an Open House at 4:00pm on December 17<sup>th</sup>. Mayor Presgraves thanked those who participated in the Christmas Parade on Saturday, December 7<sup>th</sup> and he advised that many nice compliments were received.

With no further business, Mayor Presgraves adjourned the regular session of the Luray Town Council at approximately 8:46 pm.

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Barry Presgraves  
Mayor

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Danielle Babb  
Deputy Clerk-Treasurer