

MINUTES
TOWN COUNCIL
TOWN OF SHENANDOAH
REGULAR MEETING

FEBRUARY 22, 2011

CALL TO ORDER: The Shenandoah Town Council held its regular meeting on Tuesday, February 22, 2011, at 7:00 p.m., with Mayor Clinton O. Lucas, Jr., presiding.

The meeting began with the Pledge of Allegiance.

ATTENDANCE: Council Members present were: Mayor Clinton O. Lucas, Jr.; Vice Mayor William Kite; Councilmen Russell Comer, Jr.; I. Michael Lowe; Richard Pierce; and Keith Sampson.

Council Members absent were: Charles Jenkins.

Other Town Officials present were: Larry E. Dovel, Town Manager; Pete Monteleone, Chief of Police; and Juanita F. Roudabush, Assistant Town Manager/MMC.

Citizens present were: Tim Varner of People, Inc.; Valerie Taylor of People, Inc.; Karen Comer, Shenandoah Indians Baseball Team representative; Patrick Varner and Jonathan Clark.

Media Representatives: Ted Hayes, The Valley Banner.

RECEIVING OF VISITORS

#1 - Valerie Taylor and Tim Varner spoke representing People, Inc. regarding a grant application to assist qualifying citizens with down payment assistance for a new home in the existing Forest Knolls Subdivision in Shenandoah.

Ms. Taylor explained they are applying for grant funding to assist residents in obtaining home ownership. As an example, she noted if a family makes 80 percent of the medium income level for the area, then they may qualify for up to \$12,000 in down payment assistance. She reported if the family lives in the home for five (5) years, then this \$12,000 is forgiven. However, if the family does not live in the home for at least five (5) years, then they would have to repay this amount. She explained a typical house payment would be around \$675 a month for the homeowner, if the grant funding is obtained and they qualify for the down payment assistance.

Noting the Council received a home plan example in their packets, Councilman Comer inquired if just one style home was being planned for this project?

Tim Varner, construction manager for People, Inc., stated they are planning the same type of homes as are currently built in this subdivision. He noted these new homes should be appraised at approximately \$150,000, which would stay within the range of existing homes.

Mayor Lucas inquired if the homes would be of a lower value than the existing homes in the subdivision?

Mr. Varner stated the homes they are planning will not have a lower value than the existing homes in the subdivision. In fact, when completed the new homes should be higher in value than the existing homes, since the value of the home itself should be in the \$150,000 range, excluding the lot.

Ms. Taylor reported recently several homes in the subdivision sold for \$158,000; \$150,000; and \$147,000 respectively.

Councilman Pierce stated he had reservations about the project as it was thrust upon Council for a decision on a letter of support in a short period of time. He noted with just three (3) or four

(4) days review time and with the grant application deadline of February 25, 2011, it seemed as if the project was being rushed through.

Mr. Varner apologized for the short review time, and explained People Inc. representatives originally thought this land was located in Page County and not in the Town. Therefore, they were dealing with Page County on this project. However, when it came time for the need for the letter of support, Page County representatives informed them they would need this letter from the Town Council. He also noted their time was also being consumed by a proposed large development in Luray, but since then that project fell through, but it was another reason for the delay in getting information to the Town of Shenandoah.

Vice Mayor Kite stated if the proposed homes would be in line with what exists in the subdivision and would make five (5) to 10 new homes available to qualified buyers, he did not have any concerns about offering a support letter on the grant application.

Mayor Lucas stated he still had some reservations with the urgency of the need for Council's support without much time for review or to obtain existing residents comments on the project.

Mr. Varner stated the only urgency for People Inc. is the grant application deadline. He noted their intention is to purchase the lots on the upper side of the subdivision and a couple of lots down at the bottom side. He explained they did not want to take all the best lots, but also did not want the worst ones either for these new home sites.

Councilman Pierce inquired if they were aware the water and sewer connection fees would have to be paid in order to construct the homes in this development?

Mr. Varner stated yes, they are aware the water and sewer connection fees are required for the homes. He noted they were also aware the street does not meet the Virginia Department of Transportation's regulations and is not maintained by them currently. He stated normally the final coat is not applied to streets until the development has 90 percent build out rate, and this would be something they would help pursue to try to have completed in the final phases as well.

Following other questions, Mr. Varner noted the original plan submitted was to show Council one style home they have built in other locations. He noted their plan is to build quality energy efficient homes that meet or exceed the restrictive covenants of this subdivision with homes that are comparable to the existing homes.

Regarding the existing lot sizes, Town Manager Dovel stated the lots vary in size in this subdivision and the plans are on file at Town Hall. He explained each lot contains more than enough area to meet the required setbacks under zoning.

Mayor Lucas and Council Members stated they felt the one house plan submitted to them for review was a little misleading, as they felt it was representative of how each of the new homes would look and did not feel it fit in with the existing subdivision home values.

Mr. Varner stated they could scrap that style home altogether if the Town Council desired and reiterated the original plan was to show one example of a home built in other locations and was by no means to represent the only style home being planned for this project. He noted they could submit additional examples of home styles for Council's review as well.

Following a brief discussion, Mr. Varner and Ms. Taylor agreed they would request their company for more information for Council's review at a later date.

Mayor Lucas and Town Council Members agreed to hold a special meeting on Thursday, February 24, 2011, at 6:30 p.m., at Town Hall to discuss this matter further and to determine if the Town could authorize a letter of support on the grant application of People, Inc.

#2 – Karen Comer spoke representing the Shenandoah Indians Baseball Team. She reported since their last meeting with the Town Council, the Shenandoah Recreation League has decided they want to keep the fields on Junior Avenue for youth leagues rather than build new fields at Big Gem Park. Therefore, she indicated the Shenandoah Indians would like to have a 15 year agreement with the Town to construct fields and a stadium at Big Gem Park for 15 to 16 year old kids and adult league teams.

Councilman Sampson explained original plans for Big Gem Park included a single baseball field for the older leagues. However, he noted the plan Council finally approved was for Big Gem Park to have four (4) smaller fields for recreation league use with the thought that Junior Avenue would once again see the full size stadium and adult size field in the future. However, he explained now the recreation league has decided to put all their funds in the existing fields on Junior Avenue, which again opens up Big Gem Park to the one (1) field for use by the older leagues and Shenandoah Indians.

Mrs. Comer stated a portable mound is used now for the older children to use the Junior Avenue fields now, but having a dedicated field at Big Gem Park would allow it to be constructed to be used by them and the Shenandoah Indians as well.

Councilman Sampson explained the major obstacle in the construction of any ball fields at Big Gem Park has always been lack of funds for everything to make it workable, including the entrance road, engineering plans, in addition to the actual construction costs involved. He noted it is likely more than 15 years before the Town could possibly contribute any funding to this project.

Councilman Pierce stated he could only support a 15 year agreement if it included a review period every five (5) years. He noted if there was no progress by the Shenandoah Indians within any of the review periods, then the agreement could be terminated by the Town, if the Council desired.

Mrs. Comer indicated it could very well take 15 years to complete the fundraising needed to begin the adult size ball field at Big Gem Park.

Councilman Comer agreed funding will definitely be a problem for any future development of Big Gem Park. He indicated having the adult size ball fields in Big Gem Park would be a better idea than having them and the stadium reconstructed on Junior Avenue.

A brief discussion then ensued regarding locations for the stadium reconstruction, feasibility of meeting setbacks for a stadium and the Virginia Department of Transportation and building code regulations. Council agreed the best location for adult size fields is probably within Big Gem Park.

Following the discussions, Mayor Lucas and Council Members agreed the Town would draft an agreement for the Shenandoah Indians use of ball fields at Big Gem Park for a term of 15 years with a review period in 5 year increments. The agreement will be similar to the Town's agreement with the Shenandoah Recreation League for use of the fields on Junior Avenue.

FEBRUARY 8, 2011, REGULAR MEETING MINUTES:

A Motion was made by Vice Mayor Kite, seconded by Councilman Pierce, to approve the Regular Meeting Minutes held on February 8, 2011, as presented.

Members Vote was as follows:

YEA: Vice Mayor Kite NAY: None.
 Councilman Comer
 Councilman Lowe
 Councilman Pierce
 Councilman Sampson

ABSTAIN: Mayor Lucas.

ABSENT: Councilman Jenkins.

VOTE: Unanimous in favor of motion.

APPROVAL OF BILLS:

Councilman Pierce inquired what tuning forks are used for and why they have to be calibrated?

Chief Monteleone explained the tuning forks are struck before each use of radar. He noted they are required to be calibrated every six (6) months to ensure they are operating accurately.

Councilman Sampson reported the Shenandoah Recreation League pays some of the electric bill expenses for the Parks and Recreation building for use of the batting cage area.

Following questions, Town Manager Dovel stated the Shenandoah Valley Electric Cooperative bills seem to be getting better now. He noted the meters are actually read every other month.

There being no further questions or comments, a Motion was made by Vice Mayor Kite, seconded by Councilman Pierce, to approve the bills, dated February 22, 2011, in the Combined Accounts Disbursements Warrants #29348 - #29383 in the amount of \$79,995.91.

Members Roll Call Vote was as follows:

YEA: Vice Mayor Kite NAY: None.

 Councilman Comer

 Councilman Lowe

 Councilman Pierce

 Councilman Sampson

ABSTAIN: Mayor Lucas.

ABSENT: Councilman Jenkins.

VOTE: Unanimous in favor of motion.

TREASURER'S REPORT: Mayor Lucas read the Treasurer's report, submitted by Treasurer Cindy Breeden, for February 22, 2011.

A Motion was made by Councilman Sampson, seconded by Councilman Comer, to approve the February 22, 2011, Treasurer's report in the amount of \$1,260,253.27, as read.

Members Vote was as follows:

YEA: Vice Mayor Kite NAY: None.

Councilman Comer

Councilman Lowe

Councilman Pierce

Councilman Sampson

ABSTAIN: Mayor Lucas.

ABSENT: Councilman Jenkins.

VOTE: Unanimous in favor of motion.

CORRESPONDENCE

Item # 1 – Mayor Lucas and Council Members received a request for participation from Valley Health regarding the Community Health Needs Assessment.

Councilman Russell Comer, Jr. agreed to serve on one of the Committees for Valley Health.

Item # 2 – Mayor Lucas and Council Members received a list of records slated for destruction according to the records retention laws.

A Motion was made by Councilman Lowe, seconded by Vice Mayor Kite, to authorize the destruction of records as presented on the two (2) lists, dated February 23, 2011, as presented.

Members Vote was as follows:

YEA: Vice Mayor Kite NAY: None.

Councilman Comer

Councilman Lowe

Councilman Pierce

Councilman Sampson

ABSTAIN: Mayor Lucas.

ABSENT: Councilman Jenkins.

VOTE: Unanimous in favor of motion.

Item # 3 – Mayor Lucas and Council Members received thank you card from the family of Buddy Sampson for the Town's donation to the Shenandoah Rescue Squad in lieu of flowers.

Item # 4 – Mayor Lucas and Council Members received an invitation for public comments on Verizon's desire to expand the competitive determination and deregulation of retail services throughout their incumbent territory. It was noted public comments are accepted until March 25, 2011.

Item # 5 – Mayor Lucas received information and an invitation from the Shenandoah Valley Soil & Water Conservation District's recognition breakfast on March 17, 2011, at 9 a.m. at Keezletown Ruritan Hall. For more information or to RSVP please call 540-433-2853, ext.

Item # 6 – Mayor Lucas and Council Members briefly discussed a request to relocate the flag retirement ceremony from Wig-Wam Village Playground to the site of the new Veterans Memorial Park on Virginia Avenue.

Following a brief discussion, a Motion was made by Vice Mayor Kite, seconded by Councilman Lowe, to authorize relocating the Flag Retirement Ceremony to Virginia Avenue, if it does not require a street closure in this area and details can be worked out with the Memorial Day Committee.

Members Vote was as follows:

YEA: Vice Mayor Kite NAY: None.

Councilman Comer

Councilman Lowe

Councilman Pierce

Councilman Sampson

ABSTAIN: Mayor Lucas.

ABSENT: Councilman Jenkins.

VOTE: Unanimous in favor of motion.

Council Members suggested the Martin's may allow use of their lot on Virginia Avenue if more space is needed for the flag retirement ceremony, if the committee contacted them.

COMMITTEE REPORTS

WATER & SEWER

(Chairman Kite and Councilpersons Jenkins and Sampson)

Councilman Sampson stated due to additional testing needed at the sewer plant, the employees need to purchase additional equipment. He noted this equipment would assist employees with the ability to find and correct any problems immediately rather than waiting on the outside lab results to be forwarded to them, which can take seven (7) to 10 days.

A Motion was made by Vice Mayor Kite, seconded by Councilman Sampson, to authorize purchasing a Hach DR28 for use in lab testing at the sewer plant with an estimated cost of \$2,800.

Members Roll Call Vote was as follows:

YEA: Vice Mayor Kite NAY: None.

Councilman Comer

Councilman Lowe

Councilman Pierce

Councilman Sampson

ABSTAIN: Mayor Lucas.

ABSENT: Councilman Jenkins.

VOTE: Unanimous in favor of motion.

Following questions, Town Manager Dovel stated any extra funds the Town has will soon be used for equipment replacement and repairs at the sewer plant.

Town Manager Dovel also reported there was a sewer clog at the Columns Apartment building recently, but it was on the property owner. He noted the Town even ran their sewer snake in further than normal to prove to the property owner the clog was on his property rather than the Town.

STREETS & PUBLIC PROPERTY

(Chairman Kite and Councilpersons Comer and Sampson)

Councilman Pierce reported there are vehicle parts and debris lying on the Town sidewalk and gutter areas near the intersection of Shenandoah Avenue and Fourth Street.

Chief Monteleone stated they would review this matter and ask the owner to remove any items found there.

Town Manager Dovel noted he has received complaints about a rental unit in Town. He noted the complainant stated the renter is subleasing the apartment to other people.

Following discussion, it was noted the Town cannot become involved with tenant/landlord disputes and does not enforce any policies about who lives with whom in Town. It was noted the number of people using this apartment building has drastically decreased over the years, as it used to be a boarding house with many individual rental rooms and a shared restroom years ago. The structure has been remodeled into just two (2) apartments now.

Councilman Sampson stated a work order is needed for the power company to replace burnt out street lights along First Street.

Councilman Sampson then noted the Shenandoah Beautification Committee would like to have permanent lights installed to light the three (3) Town entrance signs. He stated there is also the need for a light on the flag at the cannon as well.

Town Manager Dovel stated he would obtain the prices for electric poles and regulations from the power company and let Councilman Sampson know the outcome.

Councilman Sampson inquired if the Town's insurance would cover the damage to one of the Town's entrance signs?

Town Manager Dovel stated the sign was damaged by high wind and the insurance company is reviewing the matter to determine if they will pay for it.

POLICE, SAFETY, & JUDICIAL

(Chairman Kite and Councilpersons Comer and Lowe)

Chief Monteleone presented Council with a set of regulations recently adopted by Page County and the Town of Luray regarding requiring safety equipment for moped riders. The Town of Stanley is expected to adopt this ordinance as well. He noted Sheriff Thomas has requested the Town of Shenandoah to adopt similar regulations, so the ordinances would be unified throughout the County and enforceable by the Town and County Police Officers.

Council agreed to forward this information to Town Attorney Blatt for review and recommendations on the Town passing this ordinance.

Chief Monteleone reported the police department received a free Humvee from military surplus. He noted currently the Town has less than \$1,000 invested for this vehicle, which is valued between \$30,000 and \$40,000. It will be used by the police department for search and rescue or during inclement weather conditions.

TAXATION & FINANCE

(Chairman Pierce and Councilpersons Kite and Lowe)

Committee Chairman Pierce stated the budget reports were received through January 31, 2011 for Council's review. He inquired about some of the line items in the report.

Town Manager Dovel explained snow removal receipts will be added to the report as they are received from the Virginia Department of Transportation. Additional monies are expected to be received within the coming weeks.

Regarding refunds and claims, Town Manager Dovel noted a portion of this amount was from an insurance claim on a pump that had gone out previously due to an electrical surge.

Committee Chairman Pierce stated they will discuss the reassessment and how it will affect the Town at an upcoming budget workshop.

Councilman Comer inquired about the permits the Town is required to obtain that are reflected in the budget reports?

Town Manager Dovel stated they are for the operation of the sewer plant and required by the Department of Environmental Quality. He noted the fees increased and are paid every year now rather than every five (5) years in previous budgets.

PARKS & RECREATION

(Chairman Sampson and Councilpersons Pierce and Lowe)

Committee Chairman Sampson then reported the following Parks and Recreation News:

16 old tires have been removed from Big Gem Park and the landfill has agreed to take up to 50 tires without charge; Wig-Wam Village Playground totem pole will be repainted soon.

INDUSTRIAL, ECONOMIC DEVELOPMENT & PROCUREMENT

(Chairman Comer and Councilpersons Jenkins and Pierce)

Committee Chairman Comer reported Town Attorney Blatt answered Council's questions about the property maintenance code by referring to previous letters he has written the Town on this subject. He noted it appears whether or not the Council adopts a property maintenance code, the end result is legal action through the court system. He stated the Town may actually be in a worse position if the property maintenance code were to be adopted, because it would require enforcement throughout the Town rather than a particular building.

Following questions, Town Manager Dovel explained once a structure has been declared unsafe, the Town would be forced to take action regardless of the expenses involved. He noted the Town wrote a letter to the property owner of the old lodge building and requested he obtain an inspection by a qualified person to determine if it is structurally sound. If not, then the letter requested the owner to demolish the building as soon as possible to ensure safety of nearby residents and the public using the alleyway, street, or sidewalk near this building.

It was noted the owner's permission is required in order for anyone to go on the property or into the building. It was explained the Town should be protected from any liability, since we have notified the building owner of the potential dangers and the need to take corrective action immediately. It was noted photographs of the structure were also forwarded to the owner showing the current conditions along with previous years photographs to compare the worsening conditions. The photographs were taken from the public alleyway, street, and sidewalk.

COMMUNITY SERVICE

(Chairman Kite and Councilpersons Jenkins and Pierce)

Councilman Sampson stated he would nominate a property owner for the Community Enhancement Award within the coming weeks when they are closer to finishing the project.

PERSONNEL

(Chairman Pierce and Councilpersons Sampson and Lowe)

There was nothing to report during this period.

POLICE REPORT

There was nothing further to report during this period.

UNFINISHED BUSINESS

There was no unfinished business to come before Council during this period.

NEW BUSINESS

There was no new business to come before Council during this period.

TOWN MANAGER'S REPORT

Town Manager Dovel reported the computerized controls at the sewer plant need to be updated. He noted Kruger has submitted a quote for this work to be completed.

A Motion was made by Councilman Sampson, seconded by Councilman Lowe, authorizing hiring Kruger to upgrade the PLC's at the sewer plant in the amount of \$4,334, excluding parts needed.

Members Roll Call Vote was as follows:

YEA: Vice Mayor Kite NAY: None.
Councilman Comer
Councilman Lowe
Councilman Pierce
Councilman Sampson

ABSTAIN: Mayor Lucas.
ABSENT: Councilman Jenkins.
VOTE: Unanimous in favor of motion.

MAYOR'S REPORT

There was nothing further to report during this period.

FOR THE GOOD OF THE TOWN

Valley Banner reporter Ted Hayes stated free oak and white pine seedlings will be distributed in Elkton in March. He noted anyone interested in obtaining a seedling may contact him for more information.

ADJOURN

There being no further discussions, a Motion was made by Councilman Sampson, seconded by Vice Mayor Kite, to adjourn the meeting at 8:54 p.m.

Members Vote was as follows:

YEA: Vice Mayor Kite NAY: None.

Councilman Comer

Councilman Lowe

Councilman Pierce

Councilman Sampson

ABSTAIN: Mayor Lucas.

ABSENT: Councilman Jenkins.

VOTE: Unanimous in favor of motion.

APPROVED: ATTESTED:

Clinton O. Lucas, Jr., Mayor Juanita Roudabush, MMC