

**MINUTES
TOWN COUNCIL
TOWN OF SHENANDOAH
REGULAR MEETING
OCTOBER 13, 2015**

CALL TO ORDER: The Shenandoah Town Council held its regular meeting on Tuesday, October 13, 2015, 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.; Lynn Fox; David Hinkle; Charles Jenkins; and Richard Pierce.

Council Members absent were: None.

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

Citizens present were: Craig Lancto; Mike Uram; Alesha Bowman; Jeremy Delk; Justin Secrist; Storm Hammer; Ruth Reid; James Chrisman; and Megan Chrisman.

Media Representatives: None.

RECEIVING OF VISITORS

Justin Secrist requested permission to use an unopened/unused street for his driveway to provide direct off-street parking at his home. He provided copies of a survey plat and land records showing the adjacent property owners names and the unopened portion of Second Street. He explained his address is 106 Shenandoah Avenue and currently he has to park out front of the property, but wants to provide additional off-street parking at his home. Therefore, he would like to pour a concrete slab beside his house and noted at least a portion of the slab would be in this unopened and currently unused public street.

Following questions, Mr. Secrist stated he understood any work in this unopened street would be at his own expense and full liability for the work and future use. He also noted he understood if anyone wanted to use this unopened portion of Second Street in the future, he would have to discontinue use and may also be required to remove the slab of concrete at his own expense.

Council noted there would have to be a written agreement, but noted it would not require a legal review. Council did not take any action at this time, but agreed to review this matter further and discuss again at their next meeting.

SEPTEMBER 22, 2015, REGULAR MEETING MINUTES:

Councilman Comer stated there is one correction for the September 22, 2015, minutes. He said John Thomas owns a tree farm and may donate a tree for the Town's tree lighting ceremony. He noted the minutes read as if the Sheriff's Department would make the donation, but it is a private business donating the tree.

A *Motion* was made by Councilman Jenkins, *seconded* by Councilman Fox, to approve the *Regular Meeting Minutes* held on September 22 , 2015, as amended.

Members Vote was as follows:

YEA: Vice Mayor Kite
Councilman Comer
Councilman Fox
Councilman Hinkle
Councilman Jenkins
Councilman Pierce

NAY: None.

ABSTAIN: Mayor Lucas.

ABSENT: None.

VOTE: **Unanimous in favor of motion.**

APPROVAL OF BILLS:

Councilman Jenkins inquired if the AFLAC insurance is employee paid?

Town Manager Dovel stated yes, it is all employee paid.

Councilman Jenkins inquired when the Town's health insurance was up for renewal?

Town Manager Dovel stated he thought it is renewed in May of each year.

There being no further questions, a *Motion* was made by Vice Mayor Kite, *seconded* by Councilman Comer, to approve the bills, dated **October 13, 2015**, in the **Combined Accounts Disbursement Warrants #34007 - #34063** in the amount of **\$133,140.36**.

Members Roll Call Vote was as follows:

YEA: Vice Mayor Kite
Councilman Comer
Councilman Fox
Councilman Hinkle
Councilman Jenkins
Councilman Pierce

NAY: None.

ABSTAIN: Mayor Lucas.

ABSENT: None.

VOTE: **Unanimous in favor of motion.**

TREASURER'S REPORT: Mayor Lucas read the Treasurer's report, submitted by Treasurer Cindy Breeden, for October 13, 2015.

A ***Motion*** was made by Councilman Comer, ***seconded*** by Councilman Pierce, to approve the October 13, 2015 Treasurer's report in the amount of \$1,202,630.38, as read.

Members Vote was as follows:

YEA: Vice Mayor Kite
Councilman Comer
Councilman Fox
Councilman Hinkle
Councilman Jenkins
Councilman Pierce

NAY: None.

ABSTAIN: Mayor Lucas.

ABSENT: None.

VOTE: **Unanimous in favor of motion.**

CORRESPONDENCE

Item # 1 – Mayor Lucas read a memorandum from the Shenandoah Industrial Development Authority Secretary Christl McCoy regarding re-appointment of two (2) members.

It was noted both members are willing to continue their terms.

Therefore, a ***Motion*** was made by Councilman Pierce, ***seconded*** by Vice Mayor Kite, to re-appoint Shenandoah Industrial Development Authority Members Jonathan Comer and Steve Housden for terms through November 13, 2019.

Members Vote was as follows:

YEA: Vice Mayor Kite
Councilman Comer
Councilman Fox
Councilman Hinkle
Councilman Jenkins
Councilman Pierce

NAY: None.

ABSTAIN: Mayor Lucas.

ABSENT: None.

VOTE: **Unanimous in favor of motion.**

Item # 2 - Mayor Lucas and Council Members received information regarding an Autumn Photo Contest being held in Town. The deadline to submit photos to the Computer Center is by Noon on November 20, 2015. Registrations forms and complete instructions are available at www.TownOfShenandoah.com or www.ShenandoahNewz.com

Item # 3 – Mayor Lucas and Council Members received the September 2015 Town Vehicle Gasoline Log for review.

Item # 4 – Mayor Lucas and Council Members received a thank you note from Computer Center Supervisor Joyce Fluharty for the Council's support of the Center.

Mayor Lucas and Council Members noted Supervisor Fluharty was instrumental in the Town receiving the 2015 Virginia Municipal League Achievement Award. Council also thanked Supervisor Fluharty for traveling to Richmond and accepting the award on behalf of the Town.

Item # 5 - Mayor Lucas and Council Members received a thank you card from Grace House President Sue Kite for the Town's recent donation to their organization.

Item # 6 - Mayor Lucas and Council Members received a thank you card from Food for Friends Treasurer Sue Kite for the Town's recent donation to their organization.

Item # 7 - The Town received the following information regarding upcoming events and meetings:

* Tennis clinics will be held at the Shenandoah Tennis Courts on October 14, October 16, October 21, and October 23 for area students in 6th to 8th grades. The fee is \$30 each and includes four two-hour sessions of quality instruction, a racquet and practice ball to keep. Registration forms are available at: www.pagecounty.virginia.gov or by calling Page County Recreation Department at 743-1180.

* Fields and Christ United Methodist Church holding "Edgefest", which is scheduled for October 18 from 3 p.m. until 6 p.m. on Central Avenue in Shenandoah. This is a free event and open to the public. The event includes free food, free children's games to include a bounce house, climbing wall, ride the bull, and many others.

* There will be two upcoming meetings for people interested in discounts to join a co-operative and install solar panels at their homes or businesses. October 22 from 6 p.m. to 8 p.m. at the Elkton Community Center and October 29 from 6 p.m. until 7:30 p.m. at the Trakside Theater in Luray. More information is available at www.vasun.org/massanutten-regional-solar-co-op or by emailing solarteam@vasun.org.

* VML provided information regarding regional meetings to update local officials on conflict of interest laws and key issues for the upcoming legislative session.

COMMITTEE REPORTS

WATER & SEWER

(Chairman Kite and Councilmen Comer and Jenkins)

Following questions, Town Manager Dovel reported the water tank is scheduled to be refilled on Friday, October 16, 2015, and this action will likely result in water leaks for the weakest pipes in Town. He noted there were several residents where the public works department had to run a temporary line to keep them from losing water completely during the time the tank was out of service for the repairs. He noted they are on the dead end of the system, which causes them to at least temporarily run out of water when the tank is down.

STREETS & PUBLIC PROPERTY

(Chairman Kite and Councilmen Comer and Hinkle)

Councilman Jenkins reported several areas washed out during the recent heavy rain storms and he saw the Town employees doing a good job of cleaning up along the streets.

Town Manager Dovel noted the Town Public Works Department took some corrective actions and cleaned-up the washed out areas, until the Virginia Department of Transportation has a chance to review the areas for more permanent solutions to some of the drainage issues.

Regarding the drainage issues along Pennsylvania Avenue , near Craig Lancto's property, Town Manager Dovel stated the alley behind his house was washing out and a pipe was installed under the alley. He noted the drainage seems to run off the hill and around the alley now. He stated the Virginia Department of Transportation has been contacted about this and several other areas.

POLICE, SAFETY, & JUDICIAL

(Chairman Kite and Councilmen Hinkle and Jenkins)

Councilman Jenkins noted an employee of a store in Town reported a citizen repeatedly comes in to use their restroom and it makes the other employees feel uncomfortable.

Chief Davis stated they should contact his office to determine if the manager or property owner wants to file a no trespassing charge against this individual.

TAXATION & FINANCE

(Chairman Pierce and Councilmen Fox and Kite)

Committee Chairman Pierce stated the September budget reports were received for review.

PARKS & RECREATION

(Chairman Comer and Councilmen Pierce and Jenkins)

Committee Chairman Comer stated the Page County Board of Supervisors agreed to allocate \$10,000 to each Town for projects which will enhance tourism in their respective locality. The County receives money from the Transient Occupancy Tax (TOT) and state law requires it to be used for tourism related projects, which can include a restroom to enhance public parks. He noted the remaining balance of the TOT funds left over from last year was allocated to the Page County Economic Development and Tourism Office, and several other organizations for specific projects that draw tourists to the area. He stated the Board of Supervisors indicated any future requests will require more details about how the funds will be used. He noted Shenandoah's allocation of \$10,000 now can be used to install water and sewer lines for a future restroom, a water fountain, and other tourism related projects.

Committee Chairman Comer reported the following additional Parks and Recreation News: the English Ivy seems to be thriving on the bank at Big Gem Park; recent storms caused some water damage in Big Gem Park, which will be repaired soon; tentatively approved Shenandoah Recreation League request to construct an addition onto their existing concession stand, subject to them paying all costs involved and submitting the plans for the construction. Council will also waive the \$30 zoning permit fee for this construction.

INDUSTRIAL, ECONOMIC DEVELOPMENT & PROCUREMENT

(Chairman Jenkins and Councilmen Comer and Pierce)

There was nothing further to report during this period.

COMMUNITY SERVICE

(Chairman Kite and Councilmen Jenkins and Pierce)

Vice Mayor Kite stated the Miller's are renovating the property next to Shenandoah General Store and should be reviewed for a Community Enhancement Award.

PERSONNEL

(Chairman Pierce and Councilmen Hinkle and Jenkins)

There was nothing further to report during this period.

POLICE REPORT

There was nothing further to report during this period.

UNFINISHED BUSINESS

Councilman Fox previously requested more research be conducted regarding the burning laws within the Town limits, including the areas brought in by the boundary line adjustment, and this information was provided to Council for review.

A lengthy discussion then ensued regarding the open burning laws and whether or not the people living in the boundary line area were still under the old regulations, especially since they were not required to take any services within a specified time period. It was noted the Town was not required to provide any additional services within a specified time period either.

Councilman Pierce noted the special attorney for the boundary line adjustment would likely have to give advice on whether or not people living in the newly incorporated areas are still allowed a burn barrel.

Councilman Comer stated it would be expensive for any legal review of this matter.

Councilman Fox believes the state law takes precedence in this matter and feels burn barrels are illegal unless they are burning limbs, brush, wood or leaves. He said, according to the regulations, burning household trash is illegal and many people in this area are burning trash. He noted curbside refuse removal service is provided for those who want to take it, and for this reason he said he believes the newly incorporated residents lose their ability to burn household trash. He stated when the Town Code was adopted, the Department of Environmental Quality did not exist, and laws have changed since then.

Councilman Hinkle stated the first question Council needs to consider is if they want to have this matter reviewed. He noted until Council decides if they want to pursue the matter further, it is really no point in discussing it more.

Councilman Jenkins inquired if anyone wanted to make a motion on this issue?

Councilman Fox stated he did not feel a legal review is necessary, and that the local police have authority to enforce state law.

Mayor Lucas and Council Members then noted the only trash burning complaint they had ever received was from Councilman Fox and they did not know if a legal review was worth the cost.

Councilman Fox stated in his opinion, it is illegal to burn household trash and noted there are

many residents in his area who do this on a regular basis. He stated it is not only illegal, but bad for the environment, so he does not understand why anyone would want it to continue happening.

Vice Mayor Kite stated he has only ever saw one resident burning in this area and it appeared they were complying with the laws.

Following questions, Chief Davis stated there are questions and the codes are somewhat unclear and contradictory, plus there is the matter of the newly incorporated residents. Therefore, he would prefer a legal review before his department enforces open burning regulations. He explained legal reviews seem expensive, but if the Town were to be sued, it could result in an even more expensive legal defense.

Councilman Fox felt there would be no lawsuits if the Town followed the laws that are in the State Code.

It was noted there are some areas within the newly incorporated areas where curbside trash removal service is not available, because the trash truck cannot get to these areas. It was also noted some newly incorporated areas have things that are grandfathered in. Following more discussion, Council noted there are just too many legal questions to be answered and since there are so few complaints, they did not feel it would be a good use of tax-payers dollars at this time to have this matter reviewed by legal counsel. Council requested the Clerk to review the original boundary line agreement to determine if it could be determined if burn barrels are still legal for the newly incorporated residents. A majority of the Council did not want to spend money on a legal review of this matter at this time.

NEW BUSINESS

There was nothing to report during this period.

TOWN MANAGER'S REPORT

There was nothing further to report during this period.

MAYOR'S REPORT

There was nothing further to report during this period.

FOR THE GOOD OF THE TOWN

Mayor Lucas and Council Members reviewed Holiday Ornaments submitted in the contest. Following the review, Council chose the ornament handmade by Jolie Duhon as the winner. This ornament was a red train with blue and purple background and a maroon ribbon and it will be forwarded to the state to be displayed on the tree at the Governor's mansion this year. The

other ornament submitted for the contest by Joyce Fluharty will be displayed on the tree at Town Hall. Mayor and Council were impressed with the quality of the handmade ornaments and thanked the contestants for their participation.

Mike Uram commended Councilmen Comer, Jenkins, and Pierce for recently attending the Page County Board of Supervisors meeting. He noted they showed unity, focus, and camaraderie; and provided the supervisors with a backup plan for the TOT funding request.

James and Megan Chrisman noted they felt it was unfair their neighbors were complaining about small things on their property, but ignoring nearby properties. Council thanked them for their comments and noted their property is currently in compliance with Town Code regulations.

ADJOURN

There being no further discussion, a ***Motion*** was made by Vice Mayor Kite, ***seconded*** by Councilman Fox, to adjourn the meeting at 8:36 p.m.

Members Vote was as follows:

YEA: Vice Mayor Kite
Councilman Comer
Councilman Fox
Councilman Hinkle
Councilman Jenkins
Councilman Pierce

NAY: None.

ABSTAIN: Mayor Lucas.

ABSENT: None.

VOTE: **Unanimous in favor of motion.**

APPROVED:

ATTESTED:

Clinton O. Lucas, Jr., Mayor

Juanita Roudabush, Clerk