

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

**MONDAY, SEPTEMBER 11, 2017**

The Luray Town Council met in regular session on Monday, September 11, 2017 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:** Leroy Lancaster

**Council Present:** Ronald Vickers  
Jerry Dofflemyer  
Jerry Schiro  
Joseph Sours  
Leah Pence

**Absent:** *Mayor Barry Presgraves*

**Also Present:**

Bryan Chrisman, Acting Town Manager  
Mary Broyles, Clerk-Treasurer  
Danielle Babb, Deputy Clerk Treasurer  
Carl "Bow" Cook, Chief of Police  
Jason Botkins, Litten and Sipe LLP  
Pat O'Brien, Parks and Recreation Director  
Dakota McCoy, Assistant Parks and Recreation Director  
Nancy Shifflett, Luray Downtown Initiative  
Meredith Dees, Luray Downtown Initiative  
Barbie Stombock, Luray Downtown Initiative  
Bill Huffman, Luray Downtown Initiative  
Rose Ann Smythe, Syntelligent  
Susan Axel, ADA Access  
Johanna Elik, ADA Access  
Page News and Courier

A quorum being present, Councilman Lancaster declared the Council to be in session for the transaction of business. All present stood for the United States Pledge of Allegiance.

**CONSENT AGENDA**

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

### ***Consent Agenda***

- (A) Minutes of the Regular Council Meeting – 8-14-2017
- (B) Minutes of a Council Special Meeting – 8-29-2017
- (C) Minutes of a Council Special Meeting – 8-30-2017
- (D) Minutes of a Council Special Meeting – 9-5-2017
- (E) Accounts payable checks totaling \$ 426,435.59

### **GENERAL CITIZEN COMMENTS**

#### **Rose Ann Smythe, Syntelligent**

Ms. Smythe spoke as the Community Affairs Coordinator for Syntelligent and announced that the company has achieved a top ranking position on the *5,000 Fastest Growing Companies in America* listing. Ms. Smythe provided Council members with a press release regarding the achievement. She added that the company will also be represented at Advocacy Day on Capitol Hill to discuss the importance of the Hub Zone designation. The company currently employs 27 county residents.

#### **Susan Axel, ADA Access (Massanutten Avenue)**

Ms. Axel spoke regarding problems with ADA Access, specifically town sidewalks. Ms. Axel said that the sidewalks are challenging due to light poles, poor conditions, and ramps that are too high. Ms. Axel also stressed the town crosswalk signals, advising staff that the counter on the walk signal is not long enough to cross safely. She expressed her frustration with being unable to use certain areas of sidewalk and the dangers of being forced into the roadways. Ms. Axel added that some sidewalks are in need of railings due to the steep slopes on the opposing side. She suggested improvements that are needed to the East Luray Shopping Center and that a crosswalk is needed at the entrance on Reservoir.

#### **Johanna Elik, ADA Access (147 Village Place)**

Ms. Elik thanked members for the opportunity to speak and addressed safety issues for pedestrians, strollers, wheelchairs, etc. on town sidewalks. She noted that there are many challenges on Luray's sidewalks for those in mobility chairs; such as hydrants, trash receptacles, and recycling containers. She added that the crosswalk at Ranch Viejo and East Main Street is also hazardous, as well as the curbs at East Luray Shopping Center. Ms. Elik explained that the curbs at East Luray Shopping Center have no ramps and other areas are inconsistent with ramps and crosswalks. Ms. Elik discussed a crosswalk at Third Street and Reservoir Avenue but felt there may be decreased visibility due to the curvature in the roadway. She said that the utility poles located within the sidewalk combined with narrowness and poor conditions are unsafe. She emphasized that this forces those with mobility issues into the street which is very dangerous.

Assistant Town Manager, Bryan Chrisman, thanked both Ms. Axel and Ms. Elik for coming to the evenings meeting to express their concerns. Mr. Chrisman advised Council that town staff began working on the ADA Access Program about a year ago. The town's website includes maps and a project summary for some of the areas. Ms. Chrisman stressed that any changes that are needed in the East Luray Shopping Center are the responsibility of the property owner and not that of the town. Mr. Chrisman said that these concerns have been relayed to the property owner. He added that a new crosswalk project is under development for East Main and Brumback Avenue. He noted that the town's improvements have been in progress for about the last 18 months but it is always good to hear from those living in the specific areas and for the town to be able to expand their area of safe travel.

Mr. Chrisman said that there may be a possibility of looking at the sidewalk/ trail down Massanutten Avenue to Rugby Square, which Council considered several years ago. Council members discussed the problem of utility poles located within the sidewalk. Mr. Chrisman said that a great deal of remediation can be done for the amount of money it takes to move the utility pole. He said that the town may lose some parking in these areas and where possible will try to expand the sidewalk on the back side. Councilwoman Pence noted that she has experienced similar problems with the crosswalk at Main and Broad and suggested the timing be adjusted. Mr. Chrisman explained that he will conduct a simulation at the crosswalk along with the Police Department to test the timing.

Councilwoman Pence asked how the location of crosswalks are determined throughout the town. Mr. Chrisman explained that they are determined by many factors; including, staff recommendation, traffic counts, proximity to schools or churches, and feedback from council and the citizens. Members also discussed cones that are placed in the crosswalks and the liability of the town for any damages if they are struck by vehicles. Mr. Chrisman said that any object placed in the crosswalk is considered a legal obstruction. Ms. Pence suggested that more tickets should be written for not yielding to pedestrian traffic. Ms. Pence also suggested the town utilize its Facebook page to ask citizens to be more mindful of pedestrian traffic.

## **LURAY DOWNTOWN INITIATIVE**

### **Nancy Shifflett/ Meredith Dees, Luray Downtown Initiative**

Ms. Shifflett began by thanking the Town Council for supporting her as the LDI President for the past three years. Ms. Shifflett said that she is stepping down from her position and handing over the duties to Mr. Bill Huffman. Ms. Dees thanked Ms. Shifflett for her service to the Town and to LDI on behalf of the board. She added that the LDI board is excited to have Mr. Huffman taking on the role of President.

Ms. Dees said that LDI has received two milestone awards over the past few weeks. LDI has achieved over 25,000 volunteer hours and created a climate in Luray for over 15 million dollars in private investments. Ms. Dees said that she is very excited to share this news with the Council and invited members to stop by the LDI office to see the awards on display.

Ms. Dees said that the Brown's windows have just been redecorated today and were done so in partnership with Page County Public Schools. The Art Departments at both Luray and Page County High Schools decorated the windows and Ms. Dees said she is very proud of their work. Also, LDI is partnering with Luray High School for Homecoming week. Businesses are encouraged to show their school spirit by decorating with maroon and white. October 2<sup>nd</sup> begins Homecoming week for LHS students.

Upcoming events include a visit from Kyle Meyer of Virginia Main Street who will be visiting on Wednesday. Friday is the 10<sup>th</sup> Anniversary of Performing Arts Luray, with Saturday being the Fashion Night Out at Virginia Gift Shop. September 20<sup>th</sup> is the Page Valley Artisan Trail launch party at the Art Warehouse at 6pm. Councilman Vickers asked about plans for the dinner on Main Street Bridge. Ms. Dees said that tickets are on sale and are \$75 for dinner and the live auction. She said there will be an art auction which will include prints and original paintings. She added that this event is in lieu of the former LDI Tailgate party.

## **ITEMS FOR COUNCIL ACTION**

### **Fixed Asset Policy Adoption**

Acting Manager, Bryan Chrisman, discussed the updated Fixed Asset Policy provided by the Town's accounting firm, Mary Earhart PLLC. The town's former policy was dated September 27, 2000 and the revised policy should

be retroactive to July 1, 2017. The Town Staff and auditors have utilized the revised policy since that time. Mr. Chrisman said that staff recommends the adoption of the revised policy.

**Motion:** Councilman Dofflemyer motioned to adopt the revised Fixed Asset Policy as presented, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

### **Festival of Spring 2018**

Director of Parks and Recreation, Pat O'Brien, explained that he was asked by the Acting Town Manager to speak about the possibility of canceling the 2018 Festival of Spring. Mr. O'Brien said that his staff report outlined the issue and advised that Main Street Bridge will be shut down at that time for construction. Councilman Vickers stated that the street is normally closed from the traffic light to the Fire Department. Mr. O'Brien also noted that historically the festival is held the second Saturday of May. However, three key roles in the event cannot be present that weekend. Mr. O'Brien suggested putting the event on hold for one year; rebranding, rethinking the event, and bringing it back in 2019. He added that craft vendors are already inquiring about the event and therefore they need to make a decision. Mr. O'Brien also suggested the need to open an online portal for vendor registration and this would likely not be complete for May 2018. Assistant Director, Dakota McCoy, said it would require some time to create the online registration. Councilman Sours asked if there were more factors than just the change in registration format. Mr. O'Brien said that a change in venue may not be favored by vendors. Councilman Schiro said that he is concerned about losing momentum for the event. Mr. Schiro said that each year the event experiences growth. Mr. Chrisman said that the detour route will be in place due to the bridge construction. Mr. Schiro recognized that the bridge closure is a problem, but there should be no issue with continuing the closure of East Main Street. Members discussed traffic issues due to the bridge closure and if it would affect East Main Street. Mr. Chrisman explained that this would cut the size of the event nearly in half.

Ms. Nancy Shifflett suggested moving the children's events back to Inn Lawn Park. Councilwoman Pence discussed a festival committee to assist; and discussed the quality of vendors and felt this was a perfect opportunity to re-brand. Ms. Pence said that she did not want to see the event canceled but felt it was perhaps the appropriate time to make changes. Councilwoman Pence also discussed the use of the alleyway behind Gathering Grounds and the Art Warehouse and provided a quicker solution to the online registration. Ms. Pence also discussed ways to benefit the downtown merchants. Councilman Schiro said the entire purpose of the event is for the benefit of Main Street, therefore the town spends the resources it does on the event. He said that if the downtown merchants don't want the event, the Council needs to know. Ms. Barbie Stombeck, LDI, said that she has never heard of downtown businesses not being in favor of the event. Mr. O'Brien said that spaces in front of the businesses are provided for access.

Mr. O'Brien said that he does have a backup plan in place if Council would like to go forward. He suggested an alternate date of May 5<sup>th</sup> but advised that this is the same date as the Winchester Apple Blossom Festival. Councilman Dofflemyer suggested incorporating the Bridge Outreach Team to assist and that by canceling the event we are sending the wrong message. Mr. O'Brien provided Council members with a map displaying an alternate layout for the event. Members discussed ways to alter the route to wrap around by the Fire Hall and down East Main Street. Ms. Shifflett suggested that if there is less space, staff needs to be stricter about vendors. Councilman Schiro suggested that rather than trying to solve the event logistics this evening, that staff come up with some ideas and bring them back at the next meeting. Mr. Schiro said that he feels that Council has made it clear they want to continue with the event.

**Motion:** Councilman Dofflemyer motioned to continue with the Festival of Spring 2018 as modified by Parks and Recreation, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

## **EXECUTIVE SESSION**

### **Personnel Matters, Section 2.2-3711.A.1**

President of Council, Leroy Lancaster, requested a motion to adjourn into Executive Session for the purpose of discussing matters relevant to Section 2.2-3711.A.1.

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

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

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

Acting Manager, Bryan Chrisman, stated that during the September Council meeting reappointments are typically held. Mr. Chrisman said that Ms. Broyles was reappointed as Town Clerk last year, however a Town Attorney has not been appointed. One other individual has not been appointed and that is the President Pro Tempore of Council. Mr. Chrisman asked for a nomination for the President of Council. Mr. Lancaster stated that he has enjoyed serving as President of Council but that he is happy to turn over the responsibility to someone else. Council members agreed that Mr. Lancaster has been very dependable and noted that he has never missed a meeting.

**Motion:** With that being said, Councilman Vickers motioned to continue with Councilman Lancaster serving as President of Council- Pro Tempore. The motion was seconded by Councilman Dofflemyer with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Sours, Pence. Lancaster-Abstain. **Approved 5-0**

Mr. Chrisman said that several years ago the town conducted a recruitment for legal services. At that time, the town decided to utilize Jason Botkins of Litten and Sipe LLP but the Council did not officially designate a Town Attorney. The Council has held a contract with Litten and Sipe LLP and paid for services received since this time. Mr. Chrisman said that if the Council is pleased with the services from Attorney Jason Botkins that he would recommend making this official and designating Mr. Botkins as legal counsel for the Town of Luray. Mr. Botkins said that this is not a big change and that the current arrangement will be unchanged. He stated that in terms of day to day operations, everything would remain the same. Councilman Schiro said that members should proceed with appointing Mr. Botkins to remain consistent with the Town’s Charter.

**Motion:** Councilman Schiro motioned to appoint Jason Botkins, Litten and Sipe LLP, as the Town Attorney for the Town of Luray. The motion was seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence-Abstain. **Approved 5-0**

Acting Town Manager, Bryan Chrisman, advised members that he will be out on vacation beginning tomorrow and will return Tuesday, September 19<sup>th</sup>. In his absence, a departmental plan was devised to take care of things since the Mayor has been on a limited office schedule. Therefore, Mr. Lancaster will serve in the absence of the Mayor. In Mr. Chrisman's absence, he said that Chief Cook will serve as the temporary Zoning Administrator. Mr. Chrisman said he will be accessible by phone and department heads will report to the office twice daily. Members discussed if there is a need to appoint an "acting" manager in place of Mr. Chrisman. Mr. Botkins felt there was no express legal need to do so at the present time, but that he would review the town's personnel manual in this respect.

Town Attorney, Jason Botkins, addressed Town Council regarding the proposal to amend the Town Code to provide for a two year appointment, as opposed to a one year term for Town Manager. Mr. Botkins proposed a motion to amend Section 2-171 of Article 2, Chapter 2 of the Town Code to read as follows: *The Town Council may appoint a Town Manager to a term not to exceed two years.*

**Motion:** Councilman Vickers motioned to approve the motion as amended and read aloud by Mr. Botkins to provide for the Town Manager to be appointed to a term not to exceed two years. The motion was seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Mr. Chrisman said that the only outstanding items from a legal standpoint are the real estate documents regarding the Weaver or Vaughan transactions. If those come due in his absence, they will be handled by both Mr. Botkins and Chief Cook, in Mr. Chrisman's absence.

## **ADJOURN**

With no further business, the meeting was adjourned at 9:45pm.

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Barry Presgraves  
Mayor

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Danielle Babb  
Deputy Clerk-Treasurer