

**MINUTES OF A TOWN COUNCIL WORK SESSION
TOWN OF LURAY, VIRGINIA
Tuesday, May 28, 2013**

The Luray Town Council met in a work session on Tuesday, May 28, 2013 at 5:30 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

Also Present: Charlie Hoke, Temporary Town Manager
Bryan Chrisman, Assistant Town Manager
Mary Broyles, Town Clerk/Treasurer
Danielle Babb, Deputy Clerk Treasurer
Ligon Webb, Town Planner
Jason Spitler, Town Attorney
G.R. Anderson, Luray Police Department
CDAC Group –
Lara Browning- Project Coordinator
Kaitlin Shealy- Student Designer
Jessica Smith- Student Designer
Luray Tree and Beautification Committee
Page News and Courier

The meeting was called to order by Mayor Barry Presgraves and everyone recited the Pledge of Allegiance to the flag.

Changes or Additions to the Agenda

Mayor Presgraves asked if there were any changes or additions to the agenda. Mr. Webb requested to discuss information regarding the Page County EDA during tonight's meeting.

Council Presentation- CDAC Group

A student team of presenters from Virginia Tech provided conceptual designs to Council members. CDAC, Community Design Assistance Center, is an outreach portion of the College of Architecture and Urban Studies at Virginia Tech. Lara Browning, Project Coordinator, explained that the group works with communities all across the state on conceptual improvement projects. This project was funded by

the Virginia Department of Forestry with the assistance of Paul Revel. Designs are conceptual in nature and are often used to pursue and secure grant funding. This particular group has made three visits to Luray in order to tour the area, make presentations, gain feedback, and make revisions to their designs. This evening's presentation is the final portion of the project. Team members on this project are Landscape Architecture students at Virginia Tech; Kaitlyn Shealy and Jessica Smith, both Student Designers. The presentation included two potential areas of improvements for the Town of Luray; a Greenway Expansion Project and Downtown Pocket Park. The students provided conceptual renderings for both projects to members and staff.

The first portion of the presentation was dedicated to renderings of a Greenway Expansion Project. The concept would expand the existing trail an additional mile and a half and connect the trail to the R.H. Dean Recreation Park. The design would include a raised overlook area along Linden Avenue, a school and gateway entry, Dog Park, and pasture zones.

The second phase of the proposal is a Downtown Pocket Park analysis. Initially the design team looked at the overall concept of improvements in the area of West Main Street, more specifically near Main Street Bridge. Sources of reference included global, national, and local geometry. The focus of this design is on the local ecology and includes fishing piers and an overlook.

Updates and Discussion Items

South Hawksbill Street - Parking Issues

Bill Fisher- 9 South Hawksbill Street

Mr. Bill Fisher came before Council with two requests regarding parking issues on South Hawksbill Street. Mr. Fisher stated that he owns two properties one on South Hawksbill Street and one on West Main Street. He said that he and his wife have been remodeling 9 South Hawksbill Street for about three years now and that parking in this area is an issue.

Mr. Fisher explained that the first request is to remove the 15-minute parking space on South Hawksbill (closest to Main Street). Mr. Fisher feels that this request is mostly a safety concern. He stated that the second request is mainly an issue of convenience and relates to dedicated parking for residents. Mr. Fisher said that none of the houses on South Hawksbill Street have dedicated parking for residents. He added that the nearby parking at Ruffner Plaza has ample space and could be utilized by the public.

Mayor Presgraves stated that he does not see an issue with honoring the first request. He explained the 15-minute space was designated for parking due to the LDI office's former location above Vivian's flower shop. Councilwoman Menefee asked if this is a frequent problem with people parking in these spaces. Mr. Fisher said that this has presented a problem and that many times the 15 minute spaces are used for several hours. Mayor Presgraves questioned if these spaces were marked restricted, would they be enforceable. Council discussed other areas of residential parking designations and overall limited street parking availability.

Motion: Councilwoman Menefee motioned to remove the 15-minute parking space on South Hawksbill Street (closest to Main Street) 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: Councilwoman Menefee motioned to designate two “Resident Parking Only” spaces on South Hawksbill Street as requested, motion seconded by Councilwoman Flasch with the vote as follows: YEA: Council Members Flasch, Menefee NAY: Lancaster, Sours, Meaney, Vickers. **Denied 4-2**

Fox – Alley Request

Town Planner, Ligon Webb, presented the request for a vacation of alleyway by Mr. Erik Fox. Mr. Fox was not in attendance at the evening’s meeting. Mr. Webb reviewed the survey plat provided in Council’s packet and stated that Mr. Fox is the owner of lots 19 and 20. He advised that Mr. Fox was previously given a portion of this alleyway and is attempting to simply straighten his property lines. Mr. Fox is requesting the full twenty-foot alleyway behind his lot (19). Mr. Webb explained that this is not an issue in terms of building on the property and that adequate space is present. Mr. Webb asked for authorization to advertise this for public hearing. Councilman Lancaster asked for further clarification on the area being requested. Mayor Presgraves expressed concern over the exact area in question and is not certain that Mr. Fox is requesting the entire 20 foot area. Mayor Presgraves suggested sending the issue to the Planning Commission for their review. Mr. Webb stated that typically the Planning Commission does not review vacations of alleyways. He advised that typically the Council authorizes the advertisement to run for two weeks prior to the council meeting. Town Attorney, Jason Spittler, said that since 2004 the Planning Commission has never reviewed alleyway vacations. Mr. Chrisman recalled that the Planning Commission reviewed these requests when the majority of the alleyways were vacated in this area all in mass. Councilman Lancaster said that this is when these issues became a problem and he would like to see that the town no longer vacates alleyways.

Motion: Councilman Lancaster motioned that no more alleyways be vacated in this area, no second was made. **Motion Failed.**

Mayor Presgraves suggested that Mr. Webb proceed with the advertisement for Mr. Fox’s request. Mr. Webb reminded that Mr. Fox would be responsible for all of the associated costs. Mr. Webb stated that the procedure for advertising the public hearing also includes notifying all adjacent property owners by letter.

Land Donation – Jim Fargo

Assistant Town Manager, Bryan Chrisman, discussed a request from Mr. Jim Fargo to donate some land to the town. Mr. Fargo would like to donate a portion of the property adjacent the building he owns on Main Street. The southeast corner of the property is adjacent to Main Street Bridge and extends down the creek bank into Hawksbill Creek. Mr. Chrisman explained that Mr. Fargo would like to maintain a 15-foot easement in order to maintain the property bank due to the parking area. Mr. Chrisman said that in exchange for this easement, the town is requesting a variable width easement for construction and maintenance along Main Street Bridge. This would be necessary as a part of the bridge replacement project. Mr. Fargo has indicated that he has no problems with this exhibit plat. If the town chooses to accept the donation, Council would need to vote to accept the property and direct the Town Attorney to put forth a deed of gift. The town would need a perpetual easement for maintenance issues and would bring the sewer manhole onto town property. Council discussed the town’s responsibility for maintaining the bank area. Mr. Hoke added that this donation would be beneficial to the town during the Main Street Bridge Project.

Motion: Councilwoman Menefee motioned to accept the proposed land donation from Mr. Jim Fargo as discussed, motion seconded by Councilman Meaney with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

Airport Authority Resolution

Assistant Town Manager, Bryan Chrisman, said that this item would not need action at this evening's meeting due to the requirement for holding a joint public hearing with Page County. The joint public hearing with the Page County is scheduled for June 12th at 7:00pm at the Courthouse. The advertisements will be published in the Page News and Courier during the next two week's issues and the town will meet the advertising requirements. The resolution to form the airport authority cannot be vote on until after the public hearing has been held and will need to be authorized by both the town and county as co-owners of the Luray Page County Airport. Mr. Chrisman stated that the authority, once formed, would need to contract with a fixed based operator for the airport by July 1st. Councilwoman Menefee asked if a vote would be taken at the June work session. Mr. Chrisman said that action could be taken at the meeting on the 12th of June, immediately following the close of the public hearing. Mr. Hoke said that the airport commission feels confident that they can have a fixed based operator in place by July 1st. Mr. Hoke added that this will make the overall operations of airport easier but on matters of funding, the town and county's approval will both continue to be required.

Appointed Council Member Voting Limitations

Councilwoman Flasch read aloud correspondence received from the Town Attorney regarding Article 7, Section 7 of the Constitution of Virginia. The legislation provides that no action taken by the governing body is effective unless it is approved by a majority of all members elected to the governing body when, 1) appropriates money exceeding the sum of \$500 2) imposes taxes 3) authorizes the borrowing of money. Therefore, Ms. Flasch stated that she must abstain from anything that meets these criteria until otherwise elected.

Action Items

FY 2014 Budget

Mr. Hoke stated that no revisions have been made since the last budget review. He added that the proposed budget is approximately 4.42% less than the current year's budget. Mr. Hoke said that this budget is a balanced budget and is based on the approved increases in the real estate tax rate and utility fees. Staff is recommending approval of the proposed budget.

Councilman Vickers asked for more discussion on the budget, recognizing that the overall budget has been decreased for the proposed year yet taxes and fees are being increased. Councilman Vickers asked for some clarification on this to be able to better discuss this with citizens. Mr. Hoke explained that without the increases in utility and tax rates the town cannot establish a balanced budget. Mr. Hoke reminded that the Wastewater Plant has previously been expanded and the Water Treatment Plant was constructed which come with the associated loans. Mr. Hoke also said that several years ago the town reduced its tax rate to coincide with prior assessments. Despite this, assessments have lowered and tax revenues are down. He said that overall, the current year's revenue projections were not as much as forecasted. Councilman Lancaster stated that the other issues are the town's portion of the Main Street Bridge funding and current litigation fees. Council and staff both agreed that the proposed budget includes more realistic figures for estimated revenues. Councilwoman Menefee said that she is not in

favor of tax increases, yet local government is where services take place and the town is doing so without any extravagance. Mayor Presgraves stated that he doesn't see any further areas where cut-backs can be made unless the town wants to cut back its services. Mayor Presgraves also recalled previous decreases in the real estate tax rate to reflect a change in assessments. Councilman Sours said that the focus needs to remain on keeping expenditures as low as possible.

Motion: Councilman Lancaster motioned to approve the FY 2014 Budget, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. ABSTAIN: Flasch. **Approved 5-0**

FY 2014 Town Rate and Fee Schedule

Temporary Town Manager, Charlie Hoke, stated that no changes have been made to the proposed rate and fee schedule. The current rate and fee schedule as proposed contains a 4 cent increase in the real estate tax rate, and various changes in the water and sewer rates and fees.

Motion: Councilman Lancaster motioned to approve the FY 2014 Town Rate and Fee Schedule, motion seconded by Councilman Meaney with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. ABSTAIN: Flasch. **Approved 5-0**

FY 2013 Budget Amendment Advertisement

Mr. Hoke stated that at this time it is not clear that the town will need this amendment; however, the advertisement is a precautionary matter. The town will still be required to hold a public hearing at the June work session. An amendment is only needed if the town exceeds the 1% margin of the aggregate total of the budget.

Motion: Councilman Sours motioned to approve the FY 2013 Budget Amendment Advertisement, motion seconded by Councilman Meaney with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. ABSTAIN: Flasch. **Approved 5-0**

VDOT Project Administration Agreement & Resolution

Temporary Town Manager, Mr. Hoke, said that staff is recommending approval of the VDOT Project Administration Agreement for the rehabilitation of Main Street Bridge.

Motion: Councilwoman Menefee motioned to approve the Project Administration Agreement and Resolution for Main Street Bridge, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. ABSTAIN: Flasch. **Approved 5-0**

Town Attorney

Town Attorney, Jason Spitler, stated that the information presented in Council's packets is very straightforward in terms of the process for the Airport Authority Formation and Friendly Boundary Line Adjustment for Airport Road. He said that both will require public notice, public hearings, and resolutions adopted by both localities. Mr. Spitler anticipates that both the town and county will adopt these agenda items.

Town Attorney, Jason Spitler, requested to discuss the establishment of a FOIA policy. Mr. Spitler said that the policy should be simplistic and should appoint an information officer who would be responsible for these requests. That person would likely be the Town Manager or his designee and would be receive and respond to the requests and communicate such requests to fellow staff members and town council. The information officer would provide a two-step response 1) immediate response and acknowledgement of the request with an estimate of the cost 2) must be prompt but no more than 5 days from the receipt of request at which time the requested records are provided or one of the four written responses is stated. The four responses provide by the Virginia Freedom of Information Act are as follows 1) the records are being entirely withheld, 2) the records are being partially withheld, 3) the requested records do not exist, 4) more time is needed to investigate the existence of the records or duplicate such records. Mr. Spitler stated that the code is extremely clear in providing five working days to either provide the records or one of the four appropriate responses. Mr. Spitler suggested that the town also establish in its policy information regarding the fees and that state code permits a deposit be required on costs in excess of \$200 for such records as a credit toward the total charges. The charges would include the hourly rate of staff, as well as any direct cost of duplicating records. Mayor Presgraves encouraged establishing a policy for the town and gaining council's approval of such. Mr. Spitler stated that he will begin preparations on a draft policy and will provide a document for next month's meeting.

Other Items/Announcements

Mayor Presgraves stated that at the last meeting he had asked for Councilwoman Flasch to look into the naming rights for the ball field at the R.H.Dean Recreation Park. Ms. Flasch has responded to Mayor Presgraves that she may need further assistance in this project. Ms. Flasch said that she has contacted Mr. Shaffer but has not been able to discuss this with him as of yet. However, Councilwoman Flasch said that some basic research has indicated that the process for naming rights is more complex than originally thought. She would like to see some more qualified individuals assist with this project, especially those skilled in recreation and sports alongside some community leaders. Mayor Presgraves stated that his original goal was to accomplish this during the 2013 season, but this seems too lengthy to complete in the next month or two. He said that he would rather see the Council take its time on this and put some more forethought into this with the assistance of a team of individuals. Mayor Presgraves felt that this may be a more attainable goal for the spring of 2014. Ms. Flasch stated that Valley Health is doing some naming rights for the new hospital and may be able to lend some expertise on this also. Council's consensus was to wait and put some more effort and a team together for this project.

Councilman Vickers stated that he understands that he needs to appoint a committee member for the Tree and Beautification vacancy. He would like to speak with Mr. O'Brien about this and is proposing Ms. Susan Zorn if the committee is in agreement.

Councilman Vickers suggested that all members take a look at the aerial photo provided by Mr. Kenny Painter. He complemented the photo and would like for it to be displayed at town hall.

Mayor Presgraves reminded Council members to RSVP to Ms. Broyles about the Town Section Meeting to be held in Bridgewater. The deadline to reserve spaces is this week.

Councilwoman Menefee stated that the Memorial Day Parade in Shenandoah was nice and the Council was represented at the event.

Adjourn

There being no further business, Mayor Presgraves adjourned the work session of the Town Council at approximately 7:13 pm.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer