

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

MONDAY, MAY 8, 2017

The Luray Town Council met in regular session on Monday, May 8, 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: Mayor Barry Presgraves

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

Also Present:

Charlie Hoke, Town Manager
Mary Broyles, Treasurer
Danielle Babb, Deputy Clerk Treasurer
Chief Carl "Bow" Cook, Luray Police Department
Meredith Dees, Luray Downtown Initiative
Dixie Tate, Page News and Courier
Phyllis Alger, Green Hill Cemetery Board
Frances Menefee, United Daughter of the Confederacy
Lee McWhorter, Luray Farmers Market
Cathy Herbert, Citizen Comment
Robin Hendershot, Babe Ruth Baseball League
Crystal Kite, Babe Ruth Baseball League
Jason Spitler, Babe Ruth Baseball League
Cynthia Dove, Babe Ruth Baseball League
Carla Seekford, Babe Ruth Baseball League
Bill Fisher, Hawksbill Greenway Foundation
Ken Beyer, Hawksbill Greenway Foundation
Eleanor Ames, Hawksbill Greenway Foundation
Bill Dudley, Hawksbill Greenway Foundation
Rose Ann Smythe, Syntelligent LLC

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. Councilwoman Pence led everyone in reciting the United States Pledge of Allegiance.

CONSENT AGENDA

Motion: Councilman Schiro motioned to approve the Consent Agenda, motion seconded by Councilman Vickers 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 – 4-10-2017
- (B) Minutes of the Council Work Session- 4-25-2017
- (C) Financial Report- Month Ending 4-30-2017
- (D) Accounts payable checks totaling \$ 183,543.45

GENERAL CITIZEN COMMENTS

Rose Ann Smythe- 127 South Court Street

Ms. Smythe thanked the Town Council, Mayor, and Town Manager for attending the Syntelligent Fifth Year Anniversary Celebration. Ms. Smythe said that she was touched by the tremendous turn-out and support. She said that it is very important that our business owners see the support of the Town Council. Again, she thanked the Council for attending the event.

Lee McWhorter- Luray Farmers Market

Mr. McWhorter said that he was present to give a brief update on the Farmers Market. He said that the market was open last Saturday but was mostly rained out. He hopes that the market season is looking up and looks forward to this season. Mr. McWhorter said that he will be back before council at some point to ask for some funding. He also would like Council to consider allowing the market to operate on Wednesday afternoons.

Cathy Herbert- 201 Hawksbill Heights Drive

Ms. Herbert came before Council to state her strong support of the Greenway. She said that her property borders the Luray Middle School and Linden Avenue and may be affected by the extension. She said that an extension to the R.H. Dean Park would require an easement on her property and she is more than happy to comply. Ms. Herbert noted that the Greenway was the convincing factor in her and her husband's move to the town. She noted the lack of sidewalks in her neighborhood and said the extension is a terrific idea. She is also concerned about safety in this area with the lack of sidewalks and narrow roadway. Ms. Herbert also read aloud a letter from Carole Kemp (217 Hawksbill Heights Drive), who could not be present at the meeting, in support of the extension. Ms. Kemp's letter also expressed her support and agreement to an easement. Ms. Herbert provided a copy of the letter to Council members.

Jason Spitler- 176 East Rocky Branch Road (Greater Luray Babe Ruth League)

Mr. Spitler spoke on behalf of the Greater Luray Babe Ruth League. He explained that the league offers older kids a chance to participate in the sport where Little League leaves off in age restrictions. He said that the organization offers baseball for local kids ages 14-18, whereas; little league is only age 4-12. He said that this organization is particularly important with the demise of the Luray Wranglers and now the Luray Cavemen. Mr. Spitler explained that the league now has 39 players committed to this season, these participants are comprised of Luray and Page County students, and also participants from New Market and Elkton. Mr. Spitler explained that he has been at the park since 2014 in various capacities, and the league has also been at the park since 2014. Mr. Spitler said that he along with the participants are very grateful for the town's facility and support.

Mr. Spitler explained that he is present this evening because he needs Council's help. He stated that the schedule for the season was approved by the Luray Parks and Recreation Director and per the application all games and practices were approved. However, the application had one major problem; the team was not permitted to have lights. Mr. Spitler said that he has attempted to talk to Director Pat O'Brien on several occasions about the issue with no resolve. Mr. Spitler said that it seems the decision has been made final. Mr. Spitler said that he apologizes for not placing this on the agenda but that time is of the essence. He said that there is no way to play baseball on weeknights without lights and was shocked that this was not allowed. Mr. Spitler said that it is difficult to explain to parents why other fields/groups have lights on and his group does not. He noted that other teams have had use of the lights and the lights stayed on well after the team was finished with practice. Mr. Spitler said that he would like to request a key to the press box and if staffing is a problem, request a key to the lights. He felt that providing his team with a key would be helpful to avoid additional staffing and overtime.

Councilwoman Pence inquired about the game schedule that was submitted. Mr. Spitler said that the application the team submitted was for every Tuesday and Thursday from 6-9:30pm to allow for games and practices, shared between three teams. Councilman Schiro asked if this is the first year that problems with lights have been incurred. Mr. Spitler said that some years there have been no issues, but other times there have been. Mr. Spitler explained that there are currently 39 participants committed for this season, each pays a \$95 registration fee. He noted that sponsorships and donations are a necessary part of the leagues success. He said that the league is open to paying for the use of the lights if absolutely necessary, but would prefer to have the use of the lights the same as other teams. Councilman Schiro asked if the Town Manager was aware of the situation. Mr. Hoke said that he was not aware and will speak with the Parks Director tomorrow morning. Council members discussed safety concerns relating to lighting also. Councilman Schiro stated that he would like for the Town Manager to check into this and get back with Mr. Spitler. Councilwoman Pence asked that the record note that this is the second meeting where department heads have been needed in order to obtain clarification on an issue.

Robin Hendershot-196 Wayland Drive, Stanley

Ms. Hendershot said that she is the player agent for the Stanley Little League and is the mother of teenage boys. She stated that she recognizes the need for this league as players get older, and her son now plays on Mr. Spitler's team. Ms. Hendershot explained the transition from little league to the Babe Ruth league, age restrictions, and high school regulations for players. She asked Council to consider turning the lights on so these players can continue.

Cynthia Dove- 147 Clark Street, New Market

Ms. Dove stated that she is concerned for the safety of the players. She emphasized that this is the only league where her sons can play and it is difficult for other areas to find enough players. Ms. Dove said that the lights are definitely needed for them to continue and thanked Mr. Spitler for his work with these players.

Crystal Kite-6847 Ida Road, Stanley

Ms. Kite said that the lights are a big issue and are necessary for safety concerns. She said that her son has played with Mr. Spitler's team for several years. She added that our County has a large drug problem and it is an excellent opportunity for our youth.

Carla Seekford-1170 Judy Lane, Stanley

Ms. Seekford said that despite her residing in Stanley, she has a vested interest in Luray. Ms. Seekford said that the Town of Luray is where she works, shops, and attends worship. She said that her son could not be present this evening, but has prepared a statement for the Council. Ms. Seekford read aloud a letter from her son expressing his interest to continue to play and compete in this league, his appreciation to the Council for the facility, love for the game, and requests to continue playing the game they enjoy.

Lee McWhorter- 1755 U.S. Highway BSN 340

Mr. McWhorter said that Mr. Spittler asked him to attend this meeting and that he hopes these players can use the lights.

Malik Seaward- 13 Jordan Street, Luray

Mr. Seaward said that after listening to everyone speak about the issue with the lights, he hopes there can be a solution. He said that with the mention of drug problems perhaps the team can come together with the town to provide awareness through baseball. He stated that we are capable of much, and hopes everyone can come together and prosper.

Councilman Schiro commented that it was unfortunate to get this kind of attention when there is a problem. But, that this speaks to the volume of people that are reached by the Town’s parks and facilities. He thanked everyone for coming out and expressing their concerns. Councilwoman Pence said that she would like to think perhaps this may be a scheduling error on the part of Parks and Recreation.

PUBLIC HEARINGS

Town/County Boundary Line Adjustment- Rec Park

Town Manager, Mr. Hoke, said that approximately five years ago the boundary line adjustment was presented to the Council, approved, but never completed. The process stopped there and was never recorded with the Page County Courts. The current Town Attorney, Mr. Botkins, recommended the process be revisited and recorded. Mr. Hoke said that he is requesting Council consider bringing in the approximate 57 acres into the corporate limits and staff will meet with the Page County Board of Supervisors on Monday, May 15th.

The public hearing was opened for citizen comment. With no one present to speak on the issue, the hearing was closed.

Motion: Councilman Lancaster motioned to proceed with the Boundary Line Adjustment for the RH Dean Recreation Park and authorizing the Mayor to sign the agreement, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Bed and Breakfast/Lodging Section 406.1

Town Manager, Charlie Hoke, presented the Public Hearing on Bed and Breakfast and Lodging Houses as a By-Right use in the B-1 Zoning District. The Planning Commission has unanimously approved the amendment and recommends the Town Council’s approval. Councilwoman Pence questioned the *bed and breakfast definition: A single –family dwelling where for compensation lodging and breakfast are provided to registered transient guests only.* Ms. Pence asked about modifying the definition to exclude the term *single family dwelling.* Ms. Pence explained that there could be a bed and breakfast combined with a one unit long term rental. Members discussed whether or not to delay a vote or to amend a motion to change the terminology. Members said that the definitions were not included in the advertisement for public hearing. The advertisement focused on the by-right use in the B-1 District.

Motion: Councilwoman Pence motioned to remove the term “single family dwelling” from the definition of Bed and Breakfast Home, motion seconded by Councilman Dofflemyer with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Mayor Presgraves opened the public hearing for citizen comment. With no one present to speak on the issue, the hearing was then closed.

Motion: Councilman Vickers motioned to approve the Bed and Breakfast, and Lodging House included in the 406.1 by-right uses in the B-1 zoning district, motion seconded by Councilwoman Pence with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

LURAY DOWNTOWN INITIATIVE

Meredith Dees, Luray Downtown Initiative

Ms. Meredith Dees gave members a flyer about the Chicken Chow Down event. She also provided the Mayor and Council with a ticket for the event on May 19th. She said that the event has seven sponsors and five restaurants/caterers signed up to prepare some fantastic chicken dishes. Ms. Dees also said that she has been working closely with the Vision Luray Task Force and Sara Levinson. Ms. Dees stated that she has just returned from the National Main Street conference in Pittsburg. She said that this was a wonderful conference and she has many ideas for LDI's work plan. The Browns Building windows will be updated and refreshed in June. Ms. Dees also updated members on LDI's cash position. She explained that the current cash balance is \$40,428, with approximately \$13,000 included in new sponsorships for the Chicken Chow Down. Ms. Dees said she hopes to see everyone at the event on the 19th.

UPDATES AND DISCUSSION ITEMS

GREENWAY FOUNDATION PRESENTATION

Mr. Ken Beyer introduced the Greenway Foundation board of directors. Mr. Bill Dudley provided a power point presentation to update Council on the Foundation. He furthered that the Board would like to provide quarterly updates as the Council deems appropriate. Mr. Dudley reminded that the Greenway foundation is a 501C3 Charitable Organization and receives tax deductible donations made to the Greenway and sends acknowledgements and thank you notes to the contributors. Mr. Dudley said that most days you will find him walking the Greenway and that this project is one of our most proud community achievements. He added that Town employees take personal pride in working on the Greenway.

Mr. Dudley updated members on the recently completed projects. The two ADA Fishing Platforms were built entirely from donations totaling \$35,518.22. The brick pavers identify the major donors. 13,000 Greenway booklets were printed from the use of Page County TOT monies. Over 30,000 booklets have been distributed through the use of kiosks, the Chamber of Commerce, and locations throughout town. Mr. Dudley stated the Boards financial position with a balance at April 4, 2017 of \$12,338.12.

Phase 5 of the Greenway is planned as a future project and the foundation is committed to raise additional funds for the planning phase. The Town has allocated \$20,000 to go towards planning for Phase 5 and the foundation has accepted the challenge to raise \$20,000 in matching funds for a total of \$40,000 to be used for plan development for future construction. Mr. Dudley went on to discuss the funding, fund raising plan, and proposed responsibilities for Phase 5 Expansion. Mr. Dudley asked about establishing a key person for the foundation to utilize as a contact for its responsibilities. The board displayed a proposed flyer that they hope can be utilized in the town water bill mailing and hopefully folks will be inclined to make a donation. Regarding Phase 5, a map view was displayed for members showing the land ownership from Hawksbill to Luray Middle School, to the RH

Dean Park. Mr. Dudley pointed out the 80 foot right of way known as Third Avenue. The Third Avenue “right of way” is shown on the plat as belonging to the Town of Luray. Mr. Dudley said that it still needs to be confirmed if this is a viable option and is indeed property of the town.

Future projects for the foundation include Greenway Signage and Railings for the Fishing Platforms. The greenway signage would include information on the proper feeding of the ducks and cleaning up after pets. The foundation would like some feedback on the potential installation of railings for the fishing platforms. These railings may provide more safety and accessibility for the disabled.

Councilman Sours asked if there is any action plan for the area next to Mechanic Street regarding the ducks. Ms. Eleanor Ames said that she is working on a rack card that discusses proper feeding of the ducks. Councilwoman Pence complemented the fishing piers but expressed concerns about the railings and potential flood issues. Mr. Fisher, board member, said that they would be removable railings. Councilman Lancaster discussed the map view and recalled the purchase of the recreation park land. He said that at that time the area in question was determined property of the town. Councilman Schiro said that if there is a way not to spend all of the \$40,000 in re-surveying; this would be very beneficial. Mr. Schiro suggested discussing this with the Town Attorney. Councilman Dofflemyer requested a copy of the CDAC report regarding the Greenway expansion. Councilman Schiro inquired about the Safe Routes to Schools grant opportunities. Ms. Smythe said that she spoke to the schools’ grant writer last week. Ms. Smythe reported that monies were available last year, but the Town was not in favor of this at that time. Since the monies were not expended they would not be made available again for several years. Members then discussed a point of contact person from the town. Councilman Schiro said that no one is more familiar with this issue than Mr. O’Brien. Mayor Presgraves suggested Bryan Chrisman. Councilman Vickers suggested Mr. Hoke discuss this with both and determine who it should be.

ITEMS FOR COUNCIL ACTION

BUDGET SYNOPSIS AD FOR PUBLICATION

Mr. Hoke stated that at the work session meeting the Council reviewed the budget synopsis ad for the Page News and Courier. The Council had requested a few additions to the tax portion; these changes have been made and included in the advertisement.

Motion: Councilman Sours motioned to approved the Budget Synopsis Ad for publication, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

PERSONNEL MANUAL

Mr. Hoke said that the Personnel Manual was also reviewed at the work session. A change has been made to clarify call-ins for personnel during emergency situations. The recommendation is for an additional two hours when called in for emergencies.

Motion: Councilman Schiro motioned to approved the Personnel Manual with changes as presented, motion seconded by Councilman Dofflemyer with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

FUNDING FOR GREEN HILL CEMETERY

Phyllis Alger (2246 Leaksville Road) & Frances Menefee (10 Jamison Road)

Ms. Alger spoke on behalf of the Green Hill Cemetery Association. She explained that the association is in need of funds in order to maintain the grounds. There is no money in the account and only five mowings can be funded this year. Ms. Alger said that more funds are needed to maintain this historic cemetery and its appearance reflects on the town. She explained that there was no provision made for perpetual care and the only income for the association is through donations. Currently, the group is working through the United Daughters of the Confederacy in order to seek out contributions. Ms. Alger thanked the Council for working with them in the past and noted that the tree removal by SVEC has been taken care of. She added that some assistance may be available from the Page County Sheriff's Office, but that Sheriff Cabbage said it would not be for mowing but for clean-up.

Ms. Frances Menefee spoke on behalf of the UDC and said that the group has been working very hard on the cemetery. In keeping with their dedication and respect for monuments and memorials, the ladies of the UDC Luray Chapter 436 are receiving donations for maintenance and preservation for Green Hill Cemetery. Several years ago, the chapter was successful in raising funds for cleaning and repairing the confederate monument located near the Luray Post Office. Ms. Menefee said that contributions may be mailed to Green Hill Cemetery Fund, PO Box 188, Luray Virginia.

Mayor Presgraves asked how much funding the cemetery association is seeking. Ms. Menefee said that she and her daughter are paying for tree removal themselves. Members discussed the difficulty in maintaining the area. Councilman Dofflemyer thanked the groups for their work on this project. Councilman Schiro asked if the cemetery association is a 501C3 organization. Ms. Alger said that the association is not, however the UDC is a non-profit. Ms. Alger said that it is has been nearly impossible to obtain a non-profit status for the association. Councilwoman Pence said that she is concerned about giving the contribution to the UDC. Councilman Schiro said that the town should not contribute to an organization that isn't non-profit status. Councilman Lancaster would like to see the town help them as much as possible, perhaps even an insert in the town water bills. Members suggested having staff monitor inmate labor to help with the mowing. Councilwoman Pence pledged to spearhead a team for the LDI Tailgate event to try to obtain funding. Ms. Alger asked what would happen if they discontinued to maintain the property and suggested the town would then be responsible for taking it over. Mayor Presgraves offered to allow the association to place a flyer in the water bills regarding donations. Ms. Pence reminded that this is only permitted to non-profit organizations. Mayor Presgraves expressed concern that if the Council doesn't try to help, they may be responsible entirely for the maintenance. Mr. Bill Fisher suggested some other options for assistance to the association.

EXECUTIVE SESSION

Real Property, Section 2.2-3711.A.3.

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing matters relevant to Section 2.2-3711.A.3.

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

Motion: Councilman Vickers motioned to adjourn the closed session and to reconvene in open session; Councilman Schiro 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.7. were heard, discussed, or considered during the closed session. **The roll was called with all members certifying “Yes”.**

ADJOURN

With no further business, the meeting was adjourned at 9:24pm.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer