

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

MONDAY, MAY 11, 2015

The Luray Town Council met in regular session on Monday, May 11, 2015 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
John Meaney

Also Present:

Charlie Hoke, Town Manager
Mary Broyles, Clerk Treasurer
~~Danielle Babb, Deputy Clerk Treasurer~~
Ligon Webb, Town Planner
Carl "Bow" Cook, Luray Police Department
Jeff McMillan, Page News and Courier
Nancy Shifflett, Luray Downtown Initiative
Luray Downtown Initiative Board Members
John Robbins, Luray Page County Chamber of Commerce
Jason Spitler, Town Attorney
Sylvia Webb, Willow Street Block Party
James Holsinger, J.R. Holsinger Family Trust
Martha Shickle, Northern Shenandoah Valley Regional Commission

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. Councilman Sours led everyone in reciting the United States Pledge of Allegiance. The roll was called with no members absent. Mayor Presgraves welcomed the newly appointed Assistant Police Chief, Carl "Bow" Cook. Assistant Chief Bow Cook, introduced the department's new Investigator, Officer Ron McClelland. Assistant Chief Cook said that he has worked with Officer McClelland for over six years and that he is a retired officer of Prince William County and brings a great deal of expertise to the department.

CONSENT AGENDA

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

Consent Agenda

- A) Minutes of Regular Council Meeting – 4-13-2015
- B) Minutes of a Special Council Meeting – 4-21-2015
- C) Minutes of Council Work Session – 4-28-15
- D) Financial Report – Month Ending April 30, 2015
- E) Accounts payable checks totaling \$ 253,151.97.

GENERAL CITIZEN COMMENT

Willow Street Block Party

Miss Sylvia Webb, 410 Mechanic Street, requested permission to hold the fifth annual Willow Street Block Party. Miss Webb said that the party is planned for Sunday, May 24th beginning at 4:00pm. The party will include music, bounce houses, face painting, and other activities. She would like to request permission to close down the 400 block of Willow Street from 4:00pm to midnight.

Motion: Councilman Lancaster motioned to approve the request for the Willow Street Block Party, motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

James Holsinger

Mr. James Holsinger spoke on behalf of the J.R. Holsinger Family Trust. He said that the trust holds ownership of the Bank Street property he would like to discuss. Mr. Holsinger said that he would like to thank the Council members who took time to meet with him and discuss the problem. As some may or may not know the town has erected a fence on the property directly across from the town shop on the Holsinger property. Mr. Holsinger advised that he believes the fence has been erected on his side of the property and has requested that Racey Engineering take a look at this and determine the location of the fence. He stated that it may be necessary to ask that this not continue to be an act of trespass. Mr. Holsinger said that he does not intend to seem “ungrateful” but if this is determined to be on their property there will need to be a solution. He suggested that one resolve would be to purchase the fence for a reasonable amount.

Mayor Presgraves clarified that the property being discussed is located on North Bank Street directly across from the town shop. He noted that Council has discussed the purchase of this property and has chosen not to do so. Mayor Presgraves added that a barrier was erected in order for town employees not to impede the property. The Director of Public Works placed the fence on what he thought was the property line as instructed. Mayor Presgraves said that the previous survey may be questionable and therefore Mr. Holsinger has enlisted the services of Racey Engineering. Mayor Presgraves mentioned that he does not feel the town should bear this expense. Mr. Hoke, Town Manager, said that he instructed the Superintendent of Public Works, Mr. Mathews, to erect the barrier and he is not sure what methods were used to determine the location. Councilman Schiro said that he would hate to see either party spend a great deal of money on the issue when there could be a simple resolution.

Mr. Holsinger said that Racey Engineering has not completed work as of tonight's meeting but that work is underway. He said that he does not wish to seem ungrateful and hopes the town will wait to see the results of the survey work. Mr. Holsinger said that there were some issues and there now appear to be a couple of solutions, he concluded by thanking Council for their time.

PUBLIC HEARING

2015-2016 Budget

Town Manager, Charlie Hoke, said that the public hearing for the 2015-2016 Budget has been advertised. No action can be taken on this until 7 days after the public hearing is held. This is scheduled as an action item for the work session meeting on May 26th.

Mayor Presgraves opened the public hearing for citizen comment. With no comments from the public, the hearing was then closed.

Budget Amendment

Town Manager, Charlie Hoke, presented the information for the public hearing on the Budget Amendment. He stated that the town has exceeded the budget by \$455,230.50. Mr. Hoke noted the primary reasons for the overage being the purchase of Brown's Restaurant building and the repairs necessary for the Sewer Main line along the Hawksbill Creek and repairs to the RAW water tank.

Motion: Councilman Vickers motioned to approve the Budget Amendment as presented, motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Schiro, Lancaster, Sours, _____
MEAN: Councilman Schiro. ABSTAIN: Dofflemyer. **Approved 5-0**

DEPARTMENTAL REPORTS

PARKS AND RECREATION

Mayor Presgraves thanked the Parks and Recreation Department for a nice job on the Festival of Spring. He said that many compliments have been received. Councilman Vickers noted that he had received good feedback from vendors and complimented how organized the event was. Councilman Dofflemyer complimented the volunteers and their assistance.

POLICE

Councilman Sours said that he would like to request historical data on the calls for service. He said that the information is only cumulative for the current quarter.

PLANNING AND ZONING

Town Planner, Ligon Webb, reported that the commission does not have a public hearing scheduled for May but does have several items on the agenda. One item is the review of a pending zoning application from the Mimslyn Inn. The Mimslyn Inn has purchased some adjacent property from Bob and Tammy Falter. The owners of the Mimslyn would like to utilize the existing four cabins and the single-family house located on the property as short term vacation rentals. The rezoning will be scheduled with the Planning Commission for June and should be on

Council's agenda for July's Regular Meeting. Town staff has met with representatives from the Mimslyn and Racey Engineering regarding this project and will continue work on this.

Mr. Webb also stated that the Planning Commission will be reviewing potential changes to the Town Code regarding Site Plans for new commercial and multi-family residential developments. Mr. Webb would like to see the code adjusted so that when a Site Plan is submitted it should be forwarded to the Planning Commission and the Town Council for review and approval.

TOWN AFFILIATED BOARDS AND COMMISSIONS

LURAY DOWNTOWN INITIATIVE

Nancy Shifflett, Luray Downtown Initiative

Ms. Nancy Shifflett, LDI Board Member, thanked Council for their continued support through the 2015-2016 Budget.

Ms. Shifflett stated that the LDI Board has planned a visit to Culpepper and it will be on July 26th and attendees should meet at Town Hall at 8:15am. Ms. Shifflett added that in June, LDI plans to visit Ashland and later this summer to visit Harrisonburg's downtown.

The Revitalization Committee is kicking off their meetings this month on May 22nd. Mr. Eddie Brumbaugh has been retained by Virginia Main Street to assist in the revitalization program. The initial meeting will consist of member selection, planning meeting dates, etc.

Ms. Shifflett discussed LDI's fundraiser for this September which will have a "Tailgate Party" theme. She explained that the board's goal was to obtain \$31,000 in total sponsorships and have already obtained \$17,000 to date. Ms. Shifflett explained that the name of the event is "Pay It Forward" and the concept is to pay it forward to get Luray back on track. She further explained that any group can come together to sell tickets for the event. The group that sells the most tickets (registered as a team) will receive the \$5,000 grand prize for their cause. The ticket purchase will include food and drink, with live music from 2:00pm-5:00pm on Saturday September 26th at the Luray Singing Tower. Ms. Shifflett said that there are different levels of sponsorships and encouraged citizens to come together and form a team for their cause. Mayor Presgraves congratulated Ms. Shifflett on the sponsorship totals to date. Councilman Vickers asked how many tickets will be sold. She said that the board hopes to sell 400 tickets total. Ms. Shifflett said the overall goal is to obtain \$31,000 in sponsorships.

Ms. Shifflett advised Council that Mr. Alex Berry has left DHCD and a new representative has been assigned to LDI. Ms. Shifflett is enthusiastic about the new representative as she is a part of an industrial revitalization team that provides grant funding for downtown buildings. A meeting will likely be scheduled with the new representative in the next month.

Loan Pool Committee application has been revised with the help of Sara Levinson, Danielle Babb, and Brian Plum. The application revisions require the applicant to provide more detailed financial information. Ms. Shifflett said that a new application is currently being submitted.

LDI has finalized its mission statement and is as follows: "Our Mission is to work together to increase the economic vitality of our downtown. Our Vision is a prosperous downtown that welcomes residents,

entrepreneurs, and visitors to engage in our thriving Main Street Community full of unique shops and restaurants, live entertainment, thriving businesses, natural beauty, and inspiring history.”

Ms. Shifflett noted a recent meeting on April 30th with Joyce Krech; the meeting included merchants, the Chamber of Commerce, and Stephanie Lillard of the EDA. Ms. Shifflett also noted recent work on the billboards and has been able to obtain the artwork associated with these. This month LDI will be working on revising bylaws, policies, and procedures and will work on clarifying volunteers and support staff. She added that flower baskets should be going up next week. Ms. Shifflett stated that this month is National Business Week, and certificates will be provided to all businesses in the historic district. While working on this, Ms. Shifflett said that she discovered that the oldest business in the historic district is the Bradley Funeral Home dating back to 1892. The second oldest is the Page Theatre dating back to 1939, Vivian’s’ Flower Shop was founded in 1943, and Virginia Gift Shop was started in 1945, and the Luray Bowling Alley has been in its present location for 65 years. Ms. Shifflett suggested this would be a good article for the Page News and Courier. Mayor Presgraves requested a copy of the goals and mission statement.

LURAY PAGE COUNTY CHAMBER OF COMMERCE

John Robbins, Chamber Director

Director John Robbins said that the Chamber was very complementary of the Festival of Spring and noted that the Visitor’s Center was very crowded the entire weekend. Mr. Robbins thanked the town for all the interior and exterior work recently at the Depot and said the guests have complemented the center. Mr. Robbins advised that there is a seminar on “Construction Disruption Mitigation” for retailers facing construction at their doorstep. He feels this would be a great seminar as we approach the bridge construction. Mr. Robbins said that the SBDC used to hold monthly meetings at the center and is trying to re-establish this presence at the chamber.—

Also, efforts have been taking place with a race coordinator from California who is interested in holding a Half Marathon near the Shenandoah National Park. The race could draw a minimum of 2500 people. Mr. Robbins said this could propose a lodging challenge and hopes that neighboring localities could help out if this event takes shape.

The Chamber and several other businesses from Luray met with Lord Fairfax Community College last week and they are offering some very beneficial courses to the community. Some of these courses include those in hospitality management, recreation and outdoor management programs. The Visitor’s Center normally operates from 9:00am-5:00pm and as of May 1st began staying open until 7:00pm on Friday evenings. Mr. Robbins said the staff plans to continue this practice to ensure that those folks coming in for the weekend can obtain information at the center. Mr. Robbins noted recent spending facts from the National Park Service for surrounding localities, with these figures seeing an increase over the previous year.

Mr. Robbins advised council members of a new event coming up called the Mid-Atlantic Pre-war Swap Meet for antique auto and farm equipment enthusiasts. The event will be held at the Luray VFW and coordinators are very optimistic about the number of visitors this may bring to the community.

Tourist walk-ins for the month of April were 1,738 and tourist phone calls were 525, both were increases over April 2014. Mr. Robbins also noted a nice photo essay in the Shenandoah Living Magazine.

He advised Council members that the Chamber of Commerce is receiving a great deal of phone calls about costly electric bills and if the chamber can help. Mr. Robbins said that the Chamber has advised citizens that they are

not in a position to assist but is trying to understand how the public complaint process works and what avenues residents can take. Council members advised that citizens can contact their SVEC Board Representative also.

ITEMS FOR COUNCIL ACTION

Authorization to Adjust Entries within Funds

Town Manager, Charlie Hoke, said that the State of Virginia required the governing body to authorize staff to make adjusting entries within the funds.

Motion: Councilman Schiro motioned to authorize staff to make the appropriate adjusting entries, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Schiro, Lancaster, Sours, Meaney. ABSTAIN: Dofflemyer **Approved 5-0**

Personal Property Tax Relief Act

Mr. Hoke said that each year the governing body is required to authorize the Personal Property Tax Relief and this year \$0-\$1,000 in value receives 100% tax relief, \$1,001 to \$20,000 receives 63% relief, and \$20,000 and over receives zero tax relief.

Motion: Councilman Sours motioned to approve the 2015 Personal Property Tax Relief as discussed, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Schiro, Lancaster, Sours, Meaney. ABSTAIN: Dofflemyer **Approved 5-0**

Capital Outlay Finance

Mr. Hoke said that the Capital Outlay Finance is the three year lease to own proposal from Blue Ridge Bank at 1.99% interest for three years. This strategy would allow the tax rate for real estate to increase by one cent/hundred rather than two cents/hundred. The complete proposal from Blue Ridge Bank has been provided in Council's packet and the resolution is included for Council's consideration. The loan would be for \$159,000 for a three year term.

Motion: Councilman Vickers motioned to approve the resolution for the loan as presented, motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Schiro, Lancaster, Sours, Meaney. ABSTAIN: Dofflemyer **Approved 5-0**

CDBG Grant for Tammy Falter

Town Manager, Charlie Hoke, noted that Ms. Tammy Falter has applied for a grant through the LDI for a revolving loan. The loan committee has approved the application and forwarded to Council for their determination. Mr. Hoke said that staff also recommends approval and adequate collateral has been supplied.

Motion: Councilman Vickers motioned to approve the resolution for the loan as presented, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Schiro, Lancaster, Sours, Meaney. ABSTAIN: Dofflemyer **Approved 5-0**

Luray Meadows Development & Agreement

Mr. Pat Racey discussed the Luray Meadows Developer's Agreement and Site Plan. Mr. Racey said that he would like for Council's consideration on two main issues. Mr. Racey noted a meeting tomorrow evening with the Page County Fair Board. He stated that for tonight's meeting he would like to find out if there are any questions or comments on the engineering of the project and the plans submitted by Racey Engineering. Mr. Racey said his staff will continue to work with town staff to finalize these plans. He discussed a revised developer's agreement regarding the project's entrance road formerly known as "Fairlane Drive", now referred to as "Shelley Street". Mr. Racey said that at or before closing on the property's sale, Luray Meadows will provide the Town with an agreement acceptable to the Town to construct the proposed Shelley Street in accordance with the approved Design Plans and a performance bond payable to the Town with corporate surety accepted to the Town securing its agreement to construct Shelley Street. Mr. Racey said that he would like to resolve any questions that the council might have at this time.

Councilman Schiro asked about the timing of the performance bond and the closing. Mr. Racey said that the closing must take place on or before July 1st, 2015, at which time the requirements of Part 2 of the agreement must be met. Councilman Schiro asked if Council's approval of the site plan was sufficient to meet the deadlines of NSVRC.

Ms. Martha Shickle, NSVRC, gave a brief overview of the role of NSVRC as a partner in this project. Ms. Shickle said that they are a partner in this project and have pledged funding to support primarily the acquisition activity and the front end investment to be able to secure the property for the construction of Luray Meadows. She said that overall this is a \$3.7 million project, of which \$1.8 million is through the HOME program and of the \$1.8 million; \$583,000 is pledged from the regional commission. Ms. Shickle explained that this is a federal funding program that supports the development of affordable housing for low income residents of the _____ community. She said that there has been a good track record with assisting other multi-family development projects in the region with People Incorporated. Ms. Shickle said that concerning the \$583,000, there is a tight timeline. By July 31st, \$479,000 of the HOME funds must be committed. If the funds are not committed by this date they will return to the federal government. Ms. Shickle said that if Mr. Racey's schedule is on track with June 30th for closing, NSVRC should be able to fulfill the funding to People Incorporated.

Councilman Schiro thanked Ms. Shickle for attending the evening's meeting and providing this information. Councilman Lancaster discussed the upcoming meeting with the Page County Fair Board and feels they will be pleased with the proposal. Mr. Webb updated members on the street name and said that the 911 Code remains the same and that it is impossible to change the name at this point.

Motion: Councilman Schiro motioned to approve the site plan request for Luray Meadows, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

Lastly, Ms. Martha Shickle mentioned that there is some interest on the part of People Incorporated to seek CDBG funding to assist with the infrastructure improvements associated with the project. Ms. Shickle said that the Community Development Block Grant Program can help with infrastructure associated with affordable housing to benefit low-to-moderate income individuals. She suggested that the town consider looking at a planning grant application, which must be applied for by the locality in regards to the development. She explained that NSVRC regularly helps manage these type proposals and can provide more information if Council is so inclined. Council members expressed interest in this grant opportunity and asked that Ms. Shickle provide more information and coordinate with the Town Planner, Ligon Webb.

Advance Auto Out-of-Town Sewer Request

Mr. Pat Racey provided a request pertaining to “Out of Town” sewer service on behalf of the Keith Corporation. The location is referred to as the “Mindi’s Restaurant” property which has experienced a drain field under duress for some time. Racey Engineering has been engaged to work with the town on this project and a draft developer’s agreement has been proposed. The agreement is very similar to that experienced by the town on the Holtzman Agreement. Mr. Racey explained that some connection and surcharge fees have been proposed and reviewed by the developer. Mr. Racey requested that the council consider allowing Racey Engineering to file such documents and agreements, conduct testing, and to ultimately provide service to this location.

Motion: Councilman Vickers motioned to authorize Racey Engineering to proceed with the Advance Auto Out-of-Town Sewer Service request, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

TOWN ATTORNEY’S REPORT

Town Attorney, Jason Spitler, had no business items for this evening’s meeting.

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 Lancaster 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, Meaney. **Approved 6-0**

Motion: Councilman Vickers motioned to adjourn the closed session and to reconvene in open session; Councilman Lancaster seconded the motion with the following members voting YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Meaney. **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.3 were heard, discussed, or considered during the closed session. **The roll was called with all members certifying “Yes”.**

ANNOUNCEMENTS

Mayor Presgraves announced that the Town of Shenandoah Memorial Day Parade will be held on Saturday, May 23rd for any Council members that can participate.

With no further business, Mayor Presgraves adjourned the regular session of the Luray Town Council at approximately 8:52pm.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer