

**MINUTES OF A TOWN COUNCIL WORK SESSION**  
**TOWN OF LURAY, VIRGINIA**  
**Tuesday, April 29, 2014**

The Luray Town Council met in a work session on Tuesday, April 29, 2014 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, Town Manager  
Mary Broyles, Town Clerk/Treasurer  
Danielle Babb, Deputy Clerk Treasurer  
Ligon Webb, Town Planner  
Jason Spitler, Town Attorney  
Jeff McMillan, Page News and Courier  
Pat Racey, Racey Engineering  
Bill Fisher, Chairman-Luray Downtown Initiative  
Mark Malone, Treasurer-Luray Downtown Initiative  
Jerry Schiro, Candidate for Town Council**

The meeting was called to order by Mayor Barry Presgraves and everyone recited the Pledge of Allegiance to the flag. The roll was called with no members absent.

**Updates and Discussion Items**

**Holtzman Sewer Force Main Project**

Pat Racey, Racey Engineering, recalled that in December he had come before Town Council to discuss the renovations to the Exxon-Quick Stop on Highway 211 West across from Walmart. The site is currently served by the town's water system but has a failing private septic drain field system in place. At that time members acted to allow Holtzman to convey sewage to the town's system from the site. Mr. Racey explained that there is a forced main that serves Marlow Ford, Luray High School, and some others. These users have a pump conveyance system that empties into the manhole on West Main Street in the area of Ms. N. Shifflett's residence.

He said that as things go in project development, some hurdles will be incurred. One of those such hurdles involves VDOT permitting. He explained that VDOT will not allow private owners to have their utilities in its Limited Access Highways without a Bond of Perpetuity. Mr. Racey said that despite Holtzman's strength and viability as a corporation, they find it nearly impossible to secure the terms of such a bond. Therefore, VDOT has strongly recommended to Mr. Racey that consideration be given to making this sewer force main a part of the town's public utility system.

Both Holtzman and Marlow are requesting that the town include the existing forced sewer main in the town's utility system. This would require that the town extend its services beyond town limits. Mr. Racey explained that Holtzman would be required to pay the Sewer Service and Facility Fees and the monthly service fees would be at the out of town rate. He further explained the corporation's responsibilities and fees.

Mr. Racey explained that VDOT would require the town to pass a Resolution stating its allowance of the current utilities into the town's public system. Mr. Racey and Council members discussed why the existing line/system that was implemented in 2005-2006 was not subject to the same permitting requirements.

Mr. Racey also discussed the possible liability and cost associated with the existing system; if it were to be in need of repairs. Mr. Hoke and Council discussed other locations/subdivisions that have out of town sewer service and the associated infrastructure. Councilman Lancaster questioned why the town would want to take over ownership of these lines and open itself to the liability of the maintenance costs. Also, Councilman Lancaster suggested that a line may exist under the Highway 211 Bypass and wondered if it has ever been located.

Mayor Presgraves asked for staff's recommendation on this issue. Mr. Hoke said that a potential line under the bypass had not been taken into consideration and perhaps Racey Engineering would want to look into this. He said that town staff is in favor of a new hydrant, and that the fire hydrant and sewer pump stations should be maintained by the developer. Mr. Hoke said that the liability on the discharge line replacement cost should be considered in the town's facility fees, should there be a problem. Mr. Hoke said that he is in support of the project. He stated that it is important that the developer install materials that are in accordance with the town's standards. Councilwoman Menefee asked what decision is needed this evening. Mr. Hoke responded that no action will be needed until the regular meeting in May. Councilman Vickers suggested that members know the cost associated with replacement of the system and the revenues that could be generated from providing the service. Mr. Hoke said that this has been passed along to the engineering firm and he hopes will come back to Council members with this information.

## **Budget Discussion**

Town Manager, Charlie Hoke, said that members have draft #7 of the budget in front of them and he said that in previous discussions there were some unknowns. Mr. Hoke stated that some figures have been obtained but that some figures will remain unknowns until the end of June. The figures for refuse charges are linked to the April consumer price index and will not be made available until late May or early June. Mr. Hoke said that this is typically a pass through cost to the consumer. The fees for VML Insurance have been received by Ms. Broyles. Despite an increase in the town's overall property value,

the amount included in the draft budget will not be affected. The State's contribution for the Line of Duty Act will not be determined until the State Budget is passed. Mr. Hoke noted that both the Virginia General Assembly and the Governor are in support of these funds. He said that the same is true for state transportation funding also. Mr. Hoke stated that with these factors considered a draft balanced budget has been provided and he would like to ask for Council's consideration of this budget. If Council is in support of the draft, Mr. Hoke will plan to advertise for the public hearing.

Councilwoman Menefee asked if any items have changed from previous drafts. Mr. Hoke said that one item of change is the reduction in funding for LDI, which has been transferred to the Capital Improvement Fund for repairs at the Imagination Station playground. There is also funding for the replacement of a public works employee due to the reduction in staff from a disability retirement. Mr. Hoke said that there are no interfund transfers. He also stated that funding has been allocated at \$150,000 to provide for the town's portion of the Main Street Bridge project. Mr. Hoke noted that a total of \$75,000 has been allotted for debt service on the softball complex loan. Also, the town is funding the capital improvement program at \$266,000. Mr. Hoke said that this draft budget satisfies the town's funding needs and sets aside capital improvement funds, therefore staff recommends the approval of this budget.

Mayor Presgraves confirmed the timeline for the public hearing. Mr. Hoke said the public hearing will be scheduled for June 9<sup>th</sup> and the Council may vote on the budget at the June work session.

Councilwoman Menefee said there is still a larger issue of the cost of living increase at 2.5% for employees. Councilwoman Menefee recalled that the last cost of living increase was given two years ago. Councilman Sours maintained that this is a tough decision and that he feels town staff is very worthy and is definitely deserving of such. However, he said that statistics for citizens in our community show unemployment down slightly but the median income doesn't look good. Councilman Sours discussed current economic conditions and said these factors are his only reservation. Councilman Meaney questioned how the citizens feel about our employees' performance. Councilman Vickers confirmed that the town is not raising any taxes, and is only expressing value for its employees. Councilman Sours reminded that taxes were raised last year. Councilman Vickers said that the town's employees do have longevity and he would like to see this continue. Mayor Presgraves questioned why the town should penalize its employees due to poor economic conditions. Councilwoman Menefee countered that this is not a penalty and is not council's intent in any way. Mr. Hoke said that while he understands the concerns of council, he does believe that the town's employees deserve compensation for the cost of inflation. Council members discussed prior year tax increases and the town's debt service. Councilman Sours said that he would like to suggest using a portion of the pay increase total for performance based incentives. Also, he would suggest a plan that decreases the disparity in salary range rather than an across the board percentage cost of living increase. Town Planner, Ligon Webb, suggested a percentage increase that considers the median salary and allocates a higher percentage to those below the median range.

Councilman Vickers maintained that he is happy with this draft of the budget, as there is no tax increase. He said the employee increase is minimal and that the town's employees deserve council's support. Councilman Sours questioned the plans for performance based pay incentives. Mr. Hoke said that he will discuss this and the incentives for licensures later in the meeting. Mayor Presgraves and Mr. Hoke

both complimented the performance of town employees. Mr. Hoke maintained that he would like Council's approval of the draft budget.

**Motion:** Councilman Vickers motioned to pass draft #7 of the budget as presented, motion seconded by Councilwoman Flasch with the vote as follows: YEA: Council Members Vickers, Flasch, Lancaster, Sours, Meaney. NAY: Menefee. **Approved 5-1**

### **License Increases**

Mr. Hoke discussed town licensures as they relate to wastewater operations, waterworks operations, and commercial driver's licenses. Mr. Hoke requested that Council members consider providing salary increases for those that obtain such licenses. The increase would be a one or two step increase on the town's pay scale depending upon the license obtained. These licenses are necessary for driving specific vehicles and for wastewater and waterworks operations, such as bio-solid land applications. Mr. Hoke said that currently there are some employees who have increased their value to the town by obtaining such licenses, but were not compensated for such. Councilwoman Menefee asked if this would take affect for those employees that have already obtained these certifications. Mr. Hoke said that this would be up to the council members and that also he will consider the supervisors recommendation. Council members and staff discussed potential concerns and various needs/requirements for these certifications. Members also discussed which town vehicles require commercial driver's licenses and the associated classifications. Councilman Lancaster requested that staff come up with a figure according to department of how much this may cost the town before acting on the proposed increases. Councilman Sours inquired about similar programs for the remainder of staff. Mr. Hoke said that he could get back to members with some figures on the cost. Council and staff discussed whether or not similar programs would be appropriate for all departments and the pros and cons of implementing such. Mayor Presgraves said that Council needs to be cautious of micromanaging and should leave this to the discretion of the town manager. He stated that the town manager is ultimately accountable for staying within budget. Mr. Hoke maintained that these increases must come at the recommendation of the supervisor based on the employees' evaluation.

### **Departmental Resolution- Planning and Zoning**

Town Planner, Ligon Webb, stated that the sign ordinance revisions will be presented at the next work session. Also, Mr. Webb has been in correspondence with the Department of Conservation and Recreation concerning the Town's Floodplain. A meeting has been scheduled for May 13<sup>th</sup>.

### **Town Attorney's Report**

Town Attorney, Jason Spitler, said that he would like to update members on a few items. Mr. Spitler said that he has continued work on the American Legion Tennis Courts and has ordered a survey from Racey Engineering. Mr. Spitler has also been working on some delinquent meals tax collections. At the request of the Town Manager, he has been in correspondence with Sheriff John Thomas regarding the proposed countywide noise ordinance. Sheriff Thomas is requesting that all towns consider working together with the county to adopt a comprehensive, uniform, countywide noise ordinance. Mr. Spitler also reported on his work regarding the town's ordinance for snow and ice removal. He has researched other localities and has been able to obtain six local ordinances for neighboring areas. Mr. Spitler noted

that the ordinance for the town of Berryville may be one of the best suited. This ordinance provides for eight daylight hours to remove snow and ice, gives a 24-hour notice period for failure to comply, but also exempts any property owner that lives on any street which has not yet been plowed by the town. Mr. Spitler said he feels this approach is very appropriate and fair. Mr. Spitler suggested that the town use this ordinance as a model. He also suggested that there be a greater responsibility placed on business owners who are open to the public; whereas a two hour notice may be more appropriate. Mr. Spitler said that he will plan to proceed with revising the town's ordinance accordingly if the Council is in agreement.

## **Announcements**

Mayor Presgraves thanked the President and Secretary/Treasurer of Luray Downtown Initiative for attending the evenings meeting. Also, he welcomed Mr. Jerry Schiro, Council nominee, and thanked him for attending.

Town Manager, Charlie Hoke, said that he has an update on the American Legion Tennis Courts. He stated that the town does not own the tennis courts, but the Luray Parks Association does. Mr. Spitler said that he was not aware of this and that his research of the deed records did not uncover this. Mr. Spitler said that regardless the town will need the survey from Racey Engineering.

## **EXECUTIVE SESSION**

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

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing matters relevant to Section 2.2-3711.A.1.

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

**Motion:** Councilwoman Menefee 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, Flasch, Menefee, 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.1 were heard, discussed, or considered during the closed session. **The roll was called with all members certifying "Yes".**

**Motion:** Councilman Vickers motioned to approve a bonus of \$5,000 to Assistant Town Manager, Bryan Chrisman, for his service to the town as Interim Town Manager and the training he has received with VDOT for the replacement of Main Street Bridge, motion seconded by Councilwoman Flasch with the vote as follows: YEA: Council Members Vickers, Flasch, Menfee, Lancaster, Sours, Meaney. **Approved 6-0**

## Adjourn

Mayor Presgraves said that several council members attended the Arbor Day Celebration at Eugene Park. He also said that the Criterium Race Event in town this weekend was very nice. He said there may have been some minor inconveniences to residents but that he was not aware of any complaints. He said that this was a great event for the community. Councilwoman Flasch said that all lodging was completely booked and many spectators came out for the event. Councilman Vickers said that the Open House for Page Memorial Hospital was a very nice event. Mayor Presgraves said that the ribbon cutting event was held yesterday. Town Manager, Charlie Hoke, said that members have been provided with a packet from Bryan Chrisman regarding financing for the Main Street Bridge. He advised members that the information is for review and it will be addressed with Council on May 12<sup>th</sup>. Councilman Lancaster requested that staff look at several mowing/blight issues; one on Main Street and one on Fairview Road. Mr. Hoke said that he will turn these issues over to the code enforcement officer. Councilwoman Menefee also requested that code enforcement revisit the McKim and Huffman Pharmacy sign.

There being no further business, Mayor Presgraves adjourned the work session of the Town Council at approximately 7:30 pm.

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Barry Presgraves  
Mayor

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Danielle P. Babb  
Deputy Clerk-Treasurer