

**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF LURAY, PAGE COUNTY, VIRGINIA
Monday, January 12, 2009**

The Luray Town Council met in regular session on Monday, January 12, 2009 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: Nancy Shifflett
Lonnie Arrington
Leroy Lancaster
Jerry Schiro
Earl "Rock" Racer

Council Absent: William Menefee

Also Present: Rick Black, Town Manager
Bryan Chrisman, Assistant Town Manager
Jason Spitler, Town Attorney
Mary Broyles, Clerk-Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Ligon Webb, Town Planner
Page Campbell, Chief of Police
Lynn Mathews, Superintendent of Public Works
Pat O'Brien, Director of Parks and Recreation
Charlie Hoke, Director of Utilities
Catherine Stewart, Luray Downtown Initiative
Powell Markowitz, Luray-Page County Airport Commission
Luther Johnson, Page News and Courier
Karen Riddle, Luray-Page County Chamber of Commerce
James Kelly- Robinson, Farmer, Cox Associates
Steve Garner- Ntelos
Chris Bell & Mark McGregor- Virginia Transit Authority

A quorum being present, Mayor Barry Presgraves declared the Council to be in session for the transaction of business. All present stood to recite the United States Pledge of Allegiance.

CONSENT AGENDA

Motion: Councilman Schiro motioned to approve the Consent Agenda, motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Schiro, Racer.
Approved 5-0

Consent Agenda

- A) *Minutes of December 8, 2008 Regular Council Meeting*
- B) *Minutes of the December 8, 2008 CDBG Meeting*

C) *Financial Report for the period December 1-31, 2008*

D) *Accounts payable checks totaling \$ 376,960.00*

GENERAL CITIZEN COMMENT

United Way

Nina Long of the Page County United Way could not be present at the evenings meeting. Ms. Long has requested \$500.00 contribution to the United Way. Mayor Presgraves stated that this contribution had already been budgeted for. **Motion:** Councilwoman Shifflett motioned to approve the \$500.00 contribution to the Page County United Way as previously budgeted, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Schiro, Racer. **Approved 5-0**

OLD BUSINESS

FY 2008 Audit

James Kelly, Robinson, Farmer, and Cox Associates, reviewed the Fiscal Year 2008 Audit for the Town of Luray. He stated that the audit went well this year and that Council could refer to their audit report provided before them. The town received an unqualified opinion which is the best opinion that can be issued. Mr. Kelly referred Council to the Management Letter portion of the report; he explained that the Management Letter is a narrative of the fiscal year's financials. Mr. Kelly reviewed the Balance Sheet and fund balances, noting that the town maintains a healthy general fund ratio to its expenses. The income statement reflected positive income for the year. The balances for the proprietary funds reflect the water and sewer accounts. The water and sewer funds reflected a net loss mostly due to the debt service of those accounts and the depreciation of assets. Mr. Kelly stated Council will not want to continue to see a loss reflected in these areas. Water and Sewer rates would need to be addressed now or in the near future in order to offset the debt that is being incurred in these funds. Mr. Kelly also reviewed the notes to the financial statements. Councilman Schiro questioned the differences in the general property tax amounts. Mr. Kelly pointed out the schedule of retirement funding. Lastly, Mr. Kelly reviewed the percentage of taxes collected. Mr. Kelly stated that overall the audit went very well and complemented Treasurer Mary Broyles and her staff.

Ntelos

Mr. Steve Garner of Ntelos spoke before Council regarding the Franchise Agreement that was approved by Council at the December meeting. Mr. Garner apologized for his absence at the December meeting; Mr. Morgan Brown spoke to Council in his absence. At the December Council meeting the Council approved the franchise agreement contingent upon a fiber optic drop being installed at the Town Office and the Luray Depot. Mr. Garner feels that this is cost prohibitive to the project as the total for both of these installations would total \$55,575.37. Mr. Garner feels that there is no guarantee of return of revenue to offset these expenditures.

The cost associated with the installation to the Town Office would be \$ 24,259.49, while the installation for the Depot would be \$ 31,315.88. Councilman Lancaster questioned why the cost is greater to install at the Depot. Mr. Garner stated that the current fiber optic line is not actually located on Route 340 but runs along South Court Street.

Councilman Schiro asked the Town Attorney, Jason Spitler, if he were permitted to comment on the topic since he is a board member of Page Memorial Hospital. Mr. Spitler reviewed the code and determined that since Mr. Schiro received no personal gains from Page Memorial Hospital and would not benefit personally from the franchise agreement he may contribute to the decision. Thus, Mr. Schiro stated that the goal is to allow the franchise to have fiber optic lines available in the future to Luray businesses. Mr. Schiro expressed that the real issue is not the revenue to be earned but the opportunity of being the sole provider in the Town of Luray. Mr. Garner feels that this would be a very costly entry into the Town of Luray when the goal is to provide the communications needed to Page Memorial Hospital/Valley Health Systems. Mayor Presgraves reminded that the Town does receive royalties from the other franchises in the Town. Mayor Presgraves asked if this issue could be resolved by revising the franchise agreement to be contingent upon the installation of a fiber optic drop to the Town Hall solely. Mr. Garner agreed that this compromise would resolve the issue. **Motion:** Councilman Racer motioned to approve the Ntelos Franchise Agreement contingent upon a fiber optic drop installed to the Town Office, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Schiro, Racer. **Approved 5-0**

Virginia Transit Authority

Mr. Mark McGregor, CEO of Virginia Regional Transit, spoke before Council to share the needs of the regional transit plan for the upcoming six years. Mr. Chris Bell provided Council with a power point presentation that showed the results of their study and the transit needs as they relate to the Town of Luray. The focus of the program is on citizens who have little or no independent mode of transportation. Mr. Bell stated that the goal is to be proactive in understanding the transit needs within the Virginia Regional Transit Service Area. Mr. Bell is recommending a fixed route of transportation between Luray and Harrisonburg via New Market/Route 11. The purpose of this route would be to transport citizens to Harrisonburg for the purposes of employment, medical visits, shopping, and general mobility. This program would be implemented on a 3-4 year time frame. A second option would provide transportation to Harrisonburg via route 340 through Elkton. The fees for implementing and maintaining such a program would include the cost of local services and vehicle costs. Council members questioned if this program could be a shared venture between the Towns and County. Mr. McGregor stated that the program could be formatted in any way possible.

Mayor Presgraves expressed concerns over transporting citizens outside of the community for shopping and other needs. Mayor Presgraves thanked Mr. McGregor and Mr. Bell and advised that the Council would take all information into consideration.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Catherine Stewart reviewed the information in Council's packets regarding the Virginia Mainstreet Managers Retreat. The retreat will be held January 28 and 29 and will host approximately 24 managers. Catherine also reviewed the most recent newsletter which includes tips for advertising.

Airport Commission

Mr. Powell Markowitz stated that the airport commission has taken possession of a portion of the larger of two T-Hangar buildings. The commission has begun signing leases and housing airplanes in that

portion. He stated that overall the hangar project is going very well. Regarding the AWOS project, a pre-bid meeting is scheduled to be within the next two weeks. Mr. Markowitz stated that currently Mr. Kenneth Painter is collecting funds for the lease agreements. Mr. Markowitz is to discuss with Mark Belton, Page County Administrator, how these funds should continue to be handled and get back with Town Manager, Rick Black, on this.

DEPARTMENTAL REPORTS

PARKS AND RECREATION

Pat O'Brien, Director of Parks and Recreation, announced to Council that he has received notification from the National Arbor Day Foundation that for the eighth year the Town has been awarded the national Tree City USA Award as well as the Growth Award. The curbside recycling program was a major reason for receiving the Growth Award this year; Pat O'Brien thanked Ligon Webb for his efforts to launch this program. Mr. O'Brien also reviewed the preliminary 2009 Summer Concert Series schedule that will include ten concerts on the Ruffner Plaza.

PUBLIC WORKS DEPARTMENT

Lynn Mathews, Superintendent of Public Works, reported that the public works department repaired five water leaks for the month. Also, the department responded to six sewer calls. Upcoming projects for the Public Works Department will include displaying winter banners, finalizing Christmas tree collection, roadside shoulder repairs, and working on the signage program.

WASTEWATER TREATMENT DEPARTMENT

Charlie Hoke, Director of Utilities, noted that regarding the Wastewater Treatment Plant, the Chesapeake Bay Nutrient Reduction Project has gone out to bid with excellent response. Mr. Hoke looks forward to seeing the bids come in on January 22, 2009. Mr. Hoke stated all distribution samples came back negative. The shell building for the Water Treatment Plant has been delayed by approximately three weeks; however this will not affect the completion deadline. Mr. Hoke noted that the facility is scheduled to be completed in early May 2009.

TOWN PLANNER'S REPORT

Town Planner, Ligon Webb, stated that the Planning Commission has one public hearing scheduled for its regular meeting on Wednesday. The public hearing is related to the addition of accessory dwelling units to the Town Code. Mr. Webb noted that approximately one in ten households has an accessory building; however only an approximate 25% of those would be suitable for conversion. Mr. Webb reminded Council that each request will require a special use permit and would be reviewed carefully on an individual basis.

Councilman Lancaster inquired how the concept of accessory dwelling came before the commission. Mr. Webb replied that the comprehensive plan states that the Town will provide for affordable housing. Several requests have been made over the years about accessory dwelling. Mr. Webb clarified that the accessory dwelling unit will require the owner of the property to live on the premises and that no more than two unrelated persons may occupy the accessory dwelling.

POLICE- PUBLIC SAFETY AND EMERGENCY SERVICES COORDINATOR'S REPORT

Chief Campbell provided Council with a power point presentation to review the 2008 Year-End Report for his department. The highlights of Mr. Campbell's report included the department's mission statement, calls for service data, and personnel.

Councilman Schiro questioned the amount of comp-time that is on the books and how it is being issued. Chief Campbell reviewed how the overtime pay is being issued in comparison to those employees who receive comp-time.

Chief Campbell continued his presentation by highlighting the code enforcement program, lack of turnover, and school resource officer program. The total calls for service for 2008 totaled 3,238. During the year the department utilized Officer Lansberry in the investigations department in order to enhance the investigations personnel. The department also updated its in-car video equipment.

Overall, Chief Campbell stated that in the coming year the department will need to have continued funding for the supplement of the investigations department, funding for part-time personnel, and funding to continue to purchasing updates of DaPro software modules. Lastly, Councilwoman Shifflett requested that all new officers be introduced to the Town Council members when they are hired.

OLD BUSINESS

Luray Depot

Town Manager, Rick Black, returned to the topic of old business to discuss the Luray Depot. Mr. Black stated that Dave Puckett has met with the Railroad Club and it appears that the railroad club portion of the project could be done in this phase. He stated that a simple change order would accommodate this.

NEW BUSINESS

Elderly and Handicapped Tax Relief

Town Manager, Rick Black, explained that the current deadline on the application for Tax Relief for the Elderly and Handicapped is May 1. He stated that the tax bills cannot be printed before all adjustments are given. In 2008, the first half tax bills were not mailed until approximately May 15th. Mr. Black proposed moving the application deadline from May 1 to April 1 to allow for the bills to be processed and mailed at an earlier date, thus allowing citizens to receive their bill earlier. Mr. Black stated that this change in deadline would be publicly advertised and that application forms would be mailed out to participants of the program. **Motion:** Councilwoman Shifflett motioned to move the Tax Relief for the Elderly and Handicapped application deadline from May 1st to April 1st of the calendar year, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Schiro, Racer. **Approved 5-0**

Airport Special Appropriation

Town Manager, Rick Black, reminded Council that the contractor request for payment #7 would need to be approved. **Motion:** Councilman Arrington motioned to approve the Contractor's Payment Request #7 in the amount of \$62,232.38, motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Schiro, Racer. **Approved 5-0**

EXECUTIVE SESSION

Legal Consultation, Section 2.2-3711.A.7

Town Attorney, Jason Spitler, stated that the only business he had for the evening would require an executive session. Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing Legal Consultation, Section 2.2-3711.A.7. Councilman Racer 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 Shifflett, Arrington, Lancaster, Presgraves, and Racer. **Approved 5-0**

After reopening the work session, Council agreed that the only item discussed was Legal Consultation during the Executive Session.

MAYOR'S ANNOUNCEMENTS

Mayor Presgraves stated that Councilman Arrington has volunteered to serve on the committee with Allen Louderback regarding the preservation of the Luray High School tennis courts. Councilman Arrington stated that there had only been one meeting to date and that he does not have any information to report at this time. Lastly, Mayor Presgraves reminded Council of the budget work session to be held at 6:00 pm on Tuesday, January 20th.

ADJOURN

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 10:02 pm.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer