

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

The Luray Town Council met in a work session on Tuesday, July 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
Jerry Schiro
Leroy Lancaster
Joey Sours
John Meaney**

Also Present:

**Charlie Hoke, Town Manager
Bryan Chrisman, Assistant Town Manager
Ligon Webb, Town Planner
Jason Spidler, Town Attorney
Jeff McMillan, Page News and Courier
Meredith Houff, Page Library Association
Mark Malone, Luray Downtown Initiative
Pat Racey, Racey Engineering
David "Koty" Gray, George Mason University Student**

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

Enhanced Penalties Zones Traffic Control

Assistant Town Manager, Bryan Chrisman, presented some information on Enhanced Penalties Zone Traffic Control. The town is permitted to provide higher penalties for traffic violations in certain areas such as school zones, hospitals, etc. Mr. Chrisman said that he has provided information in his staff report but that he has also spoken with Councilman Schiro who has provided additional information since the time of his report. The question is whether the town's fines can be more stringent than that of the state. Several of these signs existed in the town and some are still posted causing some confusion among community members. Mr. Chrisman explained that he will continue to provide additional information on this subject. He said that many communities do utilize these signs for enhanced penalties but he would like to ensure all legal details before Council makes any decision. Mr. Chrisman said that the goal of this signage is ultimately to deter traffic violations in these specific areas. Councilman Schiro suggested working with the Town Attorney on this and provided additional information on requirements that may be necessary. Councilman Lancaster recalled the

enhanced zones being initially for detour routes. Mr. Chrisman agreed that this is one of the uses that many areas have for these zones.

Town Attorney, Jason Spitler, said that this issue was first addressed by the Council in March 2004 when the town's code was recodified. Mr. Spitler said that the town's current ordinance does not support that the signs be erected for enhanced penalties. Mr. Spitler said that he feels the issue is whether Council members want to pursue an enhanced penalty ordinance or not. Mr. Chrisman added that if council wants staff to pursue this issue it can be brought back at the August Council Meeting. Councilman Lancaster stated that he would like to see the town enforce the current speed limits without the use of these zones. Councilwoman Flasch noted her experience with various crosswalks and expressed concern for safety. Councilman Lancaster added that the new lights at the Mechanic Street Bridge crosswalk are very effective and highly visible. He commended Bryan Chrisman for implementing these signs. Mr. Chrisman said that some communities do utilize these zones and others do not. Despite this, town staff has heard requests from citizens on South Court Street who want enhanced zones and reduced speed zones. He acknowledged that this area is extremely narrow and has issues with on-street parking and sight distance. Councilman Schiro said that he has no issue with implementing these zones but does think it should be petition initiated. Councilwoman Flasch and Councilman Sours both agreed they were in favor.

Comment [DB1]: That the signs be

Finance RFP

Mr. Chrisman said that the RFP process was initially solicited and staff desired more options. Therefore a resubmittal was issued and a preferred financing option was provided. The process will allow the town to obtain Interim Financing for the Bridge Replacement project in the form of Tax-Exempt, Bank Qualified Financing. The town's bond counsel has recommended three notes for 3/4/5 year terms. Mr. Chrisman said that a lending institution has met the town's preferred financing program with zero upfront fees, excellent rates, and three notes. In addition, the interest rate would be .20% cheaper if the town was to relocate its operational account fully to that lending institution. Mr. Chrisman said that the utilization of the additional discount will not be able to take place by the closing of the loan. The lending institution has agreed to hold their offer until a determination can be made by the town. Councilman Lancaster inquired about one of the options for a three year term with a lower interest rate. Mr. Chrisman explained that while the rate is very desirable the length of the note could not extend beyond a 3-year term, which would not be sufficient to cover the town's anticipated financial length needs. Town staff and bond counsel are recommending the proposal from Blue Ridge Bank. The Council will need to take action on this at the August 11th Council Meeting with a closing held shortly after.

Comment [DB2]: Length needs

Councilman Schiro clarified that the interim financing will be for the town's payables on the project. Mr. Chrisman explained that all payables will be executed from this account, meanwhile all electronic transfers from the federal grant proceeds will offset the same account.

Bridge Consultant

Assistant Town Manager, Bryan Chrisman, explained that the project team has been soliciting proposals for a Bridge Consultant that will generate 30% Bridge Plans and provide support for the Environmental Consultant. The three primary consultants for the bridge project are the Environmental Consultant, Bridge Consultant, and finally the Design-Build Contractor. The Design-Build Contractor will actually finish the plans and build the bridge.

Staff, in conjunction with the Project Team, created an RFP and submitted it to NSVRC. The NSVRC submitted the RFP to their pool of professionals generating three proposals. After the initial submittal and the

town's review of the proposals, a second round RFP was generated with revised submittals. The project team subtracted the Geotechnical Preliminary Report and other tasks that would result in a direct savings. Mr. Chrisman provided a summary of both the first and second submittals by firm. Town Staff recommends the submittal from Pennoni and to begin the necessary paperwork with the NSVRC to facilitate the bridge consultant contract.

Mr. Chrisman discussed initial meetings to discuss the proposal with the firm.

Geotechnical Contractor

Mr. Chrisman said that this is an integral part of the Bridge Consultant's work but was pulled out of the revised RFP as previously mentioned, thus resulting in better pricing on the submissions.

The initial RFP for the Bridge Consultant included the Geotechnical Report and thus reflected significantly higher costs. Two proposals have been received in excess of \$43,000 dollars. A third proposal was received at over \$50,000. Therefore, the project management team elected to solicit a bid directly with a local company. The intent of this election was both to save time and money.

Comment [DB3]: Task and thus reflected

Thus, a meeting was held with the selected firm and a proposal was generated. Staff, in consultation, with the Towns' Bridge and Project Management Teams have reviewed the submittal and compared its contents. The findings are that the submission does meet and/or exceed the requirements of the preliminary geotechnical report. Staff and the Project Management Team are recommending the submittal from Ruckman Engineering, PLC. The terms of the agreement provide for four drilling holes. Depending on the findings, the Town should have the option of requesting additional borings. Mr. Chrisman is recommending authorization to work with Ruckman Engineering and begin the necessary paperwork.

Main Street Utility Project-Section II

Bryan Chrisman, Assistant Town Manager, provided a brief history of the Main Street Utility Project. So far upgrades have taken place on East Main from Garfield to Williams Street. The second phase of the project will extend from Williams Street to the Railroad Crossing at the fire department. Over the years the street lights have developed problems due to poor circuits. The electrical lines were originally buried in the ground without the use of conduit. The upgrades provide for safe, reliable circuits to street lights, new poles, and correct illumination. Work on the second phase is anticipated for September 2014.

Holtzman Corporation Developers Agreement

Mr. Chrisman discussed the Draft Developers Agreement from the Holtzman Corporation regarding the out-of-town sewer connection on Route 211. The agreement is essentially between the three parties; Holtzman, Marlow Ford, and the Town of Luray. An additional resolution agreement will be between the town and VDOT to accept the force main into the town system. This is necessary because the infrastructure lies within the VDOT Right-of-Way.

Mr. Chrisman explained the draft agreement and noted that the town will not give final authorizations until all conditions have been satisfied. Mr. Chrisman recommends Council's support of the agreement. Pat Racey, Racey Engineering, noted that the town would hold a bond on the construction of the project. Mr. Racey also advised that this is a mutually beneficial agreement and that the town has complete control of the project. Mr. Chrisman said that overall he is looking for council's consensus on this project to move forward. Members were in agreement to move ahead on the project.

Contributions

Town Manager, Charlie Hoke, said that members were given a list of contribution requests and supporting documentation. Mr. Hoke detailed the requests and asked for council members' feedback. Mayor Presgraves said that members have had this information and he asked for a determination. Councilman Schiro stated that contributions to non-profit organizations may have to be narrowed somewhat and should be only to those entities that provide services that the town would otherwise be responsible for providing. Those such organizations would be tourism, fire, rescue, and library. Councilman Schiro said that all of the other organizations are wonderful entities but that he feels these specific services are more in tune to governmental services. Councilman Lancaster said that he agrees with Mr. Schiro, except for the rescue squad services. He said that he knows that Page County is planning to raise the fee for rescue services and that they are receiving revenues from both imposed fees and from insurance companies. Councilman Vickers said that he understands the rescue squad is hoping to construct a new building and recognizes that there is a need. Councilman Sours said that he has reviewed the financial statements for these organizations and that quite a few of them have a greater cash reserve than the town does. With that said, Mr. Sours asked if the town should be giving away funds to organizations with healthier balance sheets than ours. Mr. Sours says that he feels we need to keep the citizens money their own.

Mr. Hoke said that he would like to go through the list and determine if Council wants to fully or partially fund each item. Councilwoman Flasch said that she would abstain from any statements regarding the Chamber of Commerce as she is an employee of this organization. Members said that this was awkward and they preferred not to go item by item. Councilman Schiro suggested making the list more concise and then determine amounts. Mayor Presgraves urged members to make a decision this evening and noted that the amount is essentially only \$20,000 in total, as the \$5,000 contribution to PALS is a matching grant.

Councilman Lancaster suggested funding PALS, Luray Fire Department, Page Library Association, Chamber of Commerce and Tourism. Councilman Vickers stated that he is highly in favor of funding the library at the full request. Councilman Schiro suggested keeping a small reserve and dividing among the remaining organizations. Mayor Presgraves suggested lowering the percentages and still giving something to each. Councilman Lancaster added that the fire department is not run by the county like the rescue squad and that they are also incurring the rising cost of insurance, equipment repairs and replacements. Councilman Vickers and Councilman Lancaster discussed fire and rescue funding and how it is allocated by the county.

Councilman Vickers suggested going with Councilman Schiro's suggestion of narrowing the choices down to five and then moving forward. Council members discussed five agencies that are government oriented. Councilman Sours said that members could withhold funds until a need arises. Councilman Schiro said that he does not want to send a message that any one organization is more valuable than another, because that is not the case. He said that the bottom line is that this is the taxpayers' money and members must be conscious of this. He stressed that the organizations we are looking at are ones that the town might otherwise be obligated to operate. Council Members then discussed how to allocate among those five organizations. Town Manager, Charlie Hoke, said that the allocation could be the same as the amount provided in FY 2013 which would provide the following: PALS - \$5000 (matching grant), Page Library Association- \$4500, Luray Fire Department - \$7000, Luray Page County Chamber of Commerce- \$3750, and Luray Page County Tourism- \$3750.

Motion: Councilman Lancaster motioned to allocate the contributions as stated by Mr. Hoke, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Flasch, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

Festival of Spring

Town Manager, Charlie Hoke, said that Pat O'Brien has requested that the Council allow him to fulfill the Festival of Spring duties for 2015. He said that Mr. O'Brien enjoyed it and it was quite the challenge. Mr. Hoke asked Mr. O'Brien to put together a budget for the event for council's consideration. Mr. Hoke said that he asked Mr. O'Brien to extract the manpower costs because those are imbedded in the town's budget, thus resulting in about a \$2,000 profit for the event. Mr. Hoke said that the request is to allow the Park Director to conduct the Festival. Mayor Presgraves said that Mr. O'Brien noted that the planning portion should not be near as costly as this year. Mr. Hoke said that the department will be able to begin planning a bit earlier and hopefully obtain the wine garden vendors. Councilwoman Flasch said that the largest expenses are the mailing of information and suggested emailing all contacts to save funds. Mr. Hoke said that Mr. O'Brien is well prepared for the future and is more than willing. Mr. Hoke said that if there are no objections then we would allow Mr. O'Brien to continue directing the festival.

Councilman Vickers said that he is in favor of the town conducting the festival but reminded that he is on the LDI Board as the town liaison. He stated that LDI's coordination of the Duck Race has been a proven fundraiser for them and is critical in them becoming a more self-sufficient body. Councilman Vickers said that his suggestion is to continue to allow LDI to conduct the Duck Race so that they can still gain these revenues. Councilman Lancaster said that the problem is that the town is providing all of the labor for this race, except for those selling the tickets. Mr. Hoke said that Mr. O'Brien has requested to conduct the entire event. Councilman Vickers expressed that he wants to work "with" LDI as much as they want to work with the town. Councilman Vickers said that LDI is trying to work within their budget and he does not want to dampen their enthusiasm for all the work they do with the town. Mr. Mark Malone, LDI, said that if the Duck Race revenue is not in the budget then something will need to replace it to bring those funds in. He said it is hard to project what the needs will be next year. Mr. Malone acknowledged that the town crew did all of the "heavy lifting" for the event and that LDI was responsible for the volunteers selling the tickets.

Motion: Councilman Lancaster motioned to permit Mr. O'Brien to continue to direct the Festival of Spring, motion seconded by Councilwoman Flasch with the vote as follows: YEA: Council Members Flasch, Schiro, Lancaster, Sours, Meaney. NAY: Vickers. **Approved 5-1**

Departmental Reports

Planning & Zoning

Town Planning Intern, David "Koty" Gray, presented a Letter of Memorandum regarding the Page Theatre. He said that as most members know, Mr. Jerry Spencer, is upgrading his theatre to newly required digital technology. Earlier this month, Mr. Spencer came before the Page County EDA requesting a potential rebate on the local Tools & Machinery Tax. This is for council's information and he advised that Ms. Stephanie Lillard, Page County EDA and Tourism Director, is putting together a proposal that will likely be presented to the EDA at its regular September meeting. If the EDA is in agreement then this proposal would be subsequently presented to Page County's Board of Supervisors for approval.

Councilman Schiro questioned the rebate despite the fact that theatre is not located in an Enterprise Zone. Town Planner, Ligon Webb, said that he brought about the same question and that it appears it can be rebated only by request for machinery and tools tax solely.

Town Attorney

Town Attorney, Jason Spitler, said that previously H.D. Brown was appointed to the Luray Board of Zoning appeals. He stated that this requires that a petition be filed with the Circuit Court by next Tuesday, thus requiring a formal adoption of the ordinance.

Motion: Councilman Schiro motioned to approve the Ordinance appointing H.D. Brown to the Luray Board of Zoning Appeals, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Flasch, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

Mr. Spitler said that he also has available the ordinances for the Planning Commission appointments. Those appointments are Tracie Dixon, John Shaffer, and Ronald Good for a term of four years. The terms run commensurate with Council members and Mr. Spitler asked for action on these appointments.

Motion: Councilman Sours motioned to approve the Ordinance appointing three Planning Commission appointments as presented, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Flasch, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

Mr. Spitler also presented the ordinance appointing Layne Vickers and Dixon Freeland to the Luray Tree & Beautification Committee.

Motion: Councilwoman Flasch motioned to approve the Ordinance appointing these committee members as presented, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Flasch, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

Mr. Spitler said that he will proceed with filing the Board of Zoning Appeals petition with the Circuit Court and this will be approved on the second Tuesday of August.

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

Motion: Councilman Sours 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, Flasch, 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 September is the time for the evaluation of the Town Manager. When Mr. Hoke was hired, the Mayor stated that there would be an evaluation within one year. At this time there were no goals set for Mr. Hoke. Therefore, at the August Work Session members should discuss. In the meantime, Mayor Presgraves provided the evaluation forms for 2015. Mayor Presgraves said that a verbal evaluation should be conducted in closed session at the August work session meeting.

Adjourn

There being no further business, Mayor Presgraves adjourned the work session of the Town Council at approximately 7:53 pm.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer