

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

**MONDAY, JUNE 11, 2012**

The Luray Town Council met in regular session on Monday, June 11, 2012 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  
Mary Menefee  
Leroy Lancaster  
Jerry Schiro  
Earl Racer

**Absent:** Lonnie Arrington

***Also Present:***

Rick Black, Town Manager  
Bryan Chrisman, Assistant Town Manager  
Mary Broyles, Town Clerk/Treasurer  
Jason Spitler, Town Attorney  
Ligon Webb, Town Planner  
Charlie Hoke, Director of Utilities  
Lynn Mathews, Director of Public Works  
Page Campbell, Luray Police Chief  
Pat O'Brien, Director of Parks and Recreation

Pam Flasch, Luray Bicentennial Committee  
Joey Sours, Luray Planning Commission  
Liz Lewis, Luray Downtown Initiative  
Brianna Campbell, Luray-Page County Chamber of Commerce  
Elvena Price, Page Valley Agricultural & Industrial Fair Association  
Nancy Shifflett, Special Recognition from the Department Of Veterans Affairs

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 Lancaster led everyone in reciting the United States Pledge of Allegiance. The roll was then called with all members present.

## **CONSENT AGENDA**

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

### ***Consent Agenda***

- A) *Minutes of the May 14, 2012 Regular Council Meeting.*
- B) *Minutes of the May 22, 2012 Council Work Session.*
- C) *Financial Report for the period May 1-31, 2012.*
- D) *Accounts payable checks totaling \$350,443.69.*

### **PUBLIC HEARINGS: (None Scheduled)**

## **GENERAL CITIZEN COMMENTS**

### **Elvena Price, Page Valley Agricultural & Industrial Fair Association**

Ms. Elvena Price reported that this is the fair's 60<sup>th</sup> anniversary and they would like to have a parade on Wednesday, August 22<sup>nd</sup> at 5:30 p.m. The parade will start on West Main at Bo's Belly Barn so people can turn left toward the fairgrounds. Councilman Schiro stated just an observation, and since this is the 60<sup>th</sup> year, this may merit some consideration from Council. It has been a long time since we have had a fair parade and over the past 20-25 years the parades held in town have all been town sponsored. The only thing that concerns me is if we start allowing parades for non-profit outside of town, it opens the door to allow parades for anyone. It kind of opens a pandora's box in terms of staffing and overtime for people to come out. Aside from closing the street, it takes staffing overtime police officers and public works people to set it up. I defer since I am a short timer; I'll just defer to council on this. I think if we are going to start allowing for non-profits, other than the town programs, we need to set some type of criteria who we allow for, how, when, and who pays for it. Mayor Presgraves asked what kind of cost is associated with that? Police Chief Campbell stated just speaking from the Department of Police, you are going to bring out all your part-time people and your overtime people. Basically they are going to be out before it starts until after it ends. You might as well say you are going to expend some 2½ to 3 hours per officer.

Councilman Lancaster stated the fair stopped it because of the cost. It's a lot of work and some of the people that are involved in it didn't want to keep on doing it every year. I was one of them. Other than getting in touch with all those people, bands and whoever, there's a lot of work just a few days before the parade. You have to mark off the streets and we did all that; the town didn't have to do anything other than provide police protection. They marked off the streets, and lined up the parade; they did it all. The things that Pat and his crew usually do now. Councilman Schiro asked is that something the Fair Association would be willing to do. Councilman Lancaster asked isn't that what they plan on doing? Ms. Price stated we plan on doing the lineup and everything except the traffic control. Councilman Lancaster stated we used to have deputies too; it just wasn't the town police. Councilman Lancaster asked did they decide whether they were going to let the people that were in the parade in the

fairgrounds free that night like they used to? Ms. Price stated she did not remember; I do know there is going to be a kids' night.

Councilman Schiro stated it's not about the money; it's more about the precedent; the next non-profit that comes in and wants to have a parade, you have to be hard spent to draw the line why you let one non-profit do and not another one. That's the only point I'm making. Councilman Racer stated that since it's their 60<sup>th</sup> anniversary, it's special and for that reason I would support it. As a matter of fact if no one has any further comment, I would like to make a motion that we approve the request. Motion was seconded by Councilwoman Menefee. Mayor Presgraves asked would the Fair Association be willing to help with any of the enforcement costs? Ms. Price stated we have a meeting tomorrow night and I can bring it up to them. Mayor Presgraves stated, I doubt it. Last year they wouldn't give them a hamburger, hot dog and a soda and that didn't set good with me. **Motion:** Councilman Racer made the motion to approve the request, seconded by Councilwoman Menefee with the vote was as follows: YEA: Council Members Vickers, Menefee, Lancaster, Schiro, and Racer. **Approved 5-0.**

### **Nancy Shifflett, 917 West Main Street, Luray, VA**

Ms. Shifflett stated I am here on behalf of my husband who asked me to present this to the Town of Luray. It gives me great honor to present this outstanding service award from the Department of Veterans Affairs. "This certificate is awarded to the Town of Luray, Virginia in recognition of your serious contribution to the nation's veterans through the voluntary service program. Given in Martinsburg, West Virginia the 6<sup>th</sup> day of May, 2012. Ann R. Brown, Medical Center Director." It is an honor to present this to the Mayor. Mayor Presgraves stated on behalf of the Town and your husband, please thank him for me on behalf of the citizens.

## **TOWN AFFILIATED BOARDS AND COMMISSIONS**

### **Luray Downtown Initiative**

Liz Lewis stated we have applied for another two grants. The first grant is for \$2,500 in downtown improvement funds to hopefully contribute to the Bicentennial. The other grant is with the State and Regional Small Business Development Center which operates out of George Mason University and James Madison University. This was a very intense \$100,000 portable assistance grant that is awarded through the Small Business Administration. Our objective when we wrote the grant is to develop a niche oriented practical model which can revitalize the economic health of historically dependent communities. The niche that we will focus on is the arts and cultural segment. What LDI hopes to get out of this grant award is some administration costs to help with the project.

We are also working with the school system on a national endowment for the arts grant that will focus on community history through art. We hope to solicit help from our Promotions Committee which is very interested and focused on the arts economy in Luray. The Promotions Committee meets the last Wednesday of each month with members from the Page Valley Arts Council. Discussions about cooperative advertising and a new home in Luray for large scale sculptures from Bridgewater College are also being reviewed by this committee.

Our Virginia Enterprise Initiative grant for \$20,000 was declined. Last month I reported that LDI had an intern. This month I'm going to report that we had two interns. We also have a high school student that is going to join us next week and help with the summer art programs at the Warehouse Art Gallery. Liz briefed Council on the Festival of Spring and helped plant flower baskets with the help of Parks & Rec.

### **Luray/Page County Chamber of Commerce**

Brianna Campbell gave the Chamber report for May and noted 550 local calls, 480 local walk-ins, 389 tourist calls, and 2,117 tourist walk-ins.

The chamber office is very busy, not just because of the tourists coming in, but we are trying to get the new web site launched before July 1. We are also working on the visitors guide which will have coupons for visitors. June 14 is our Business Networking Lunch and our guest speaker is Sheriff Thomas with lunch catered by West Main Market. June 21 is our Business After Hours at Luray Dental Clinic with a barbeque cookout in the back yard. She also reported that the doors were received today for the LDI office. The Railroad Club will have their open house on Saturday and they would like to put a full scale model train in that section.

### **Luray Bicentennial**

Pam Flasch reported that this Saturday, June 16, is History Day and tying it together with our railroad celebration with the open house. The couple who wrote the book on the CCC will be speaking and doing a book signing at noon at the Page Library. Saturday evening we will be celebrating our agriculture history with history and a local meal prepared by the Mimslyn chef. The meal will be \$10. There will also be music by Brennan Brothers Band.

June 20 is the Bicentennial night at the Wranglers game. If you buy a Bicentennial button you can get into the game free. We are going to be dressed in costume and have a display on the history of Valley League baseball in Luray. On Sunday, July 1, we are doing the Health Safety and Wellness expo on West Main. Also working with the 4-H Camp.

## **DEPARTMENTAL REPORTS**

### **POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES**

Chief Page Campbell provided his report for Council members and advised that calls for service for May 2012 was 306; traffic was 75; criminal was 18. Click-It or-Ticket Campaign was very successful. The campaign began in May and ended on June 3, with a total of 58 arrests during that period.

### **PARKS AND RECREATION**

Director of Parks and Recreation, Pat O'Brien reported that CDAC has reviewed the planter design. I met with Mr. & Mrs. McConnell on Saturday to look at the site across the street at Dip & Dots. This is just a conceptual design. Mr. & Mrs. McConnell did not like the original 30 X 19 size so we have to

scale that down some and Kathy Sokol who is doing this work for us is going to scale it down and hopes to have a more precise drawing at next month's meeting.

## **PUBLIC WORKS DEPARTMENT**

Lynn Mathews, Director of Public Works, informed Council members that the public works department repaired six water leaks, made one water tap and responded to seven sewer calls. We also have a couple of sewer projects that we want to finish up. Other projects going on this month includes a brush pick-up scheduled for June 28 and 29, hanging flags this Wednesday for Flag Day on the 14<sup>th</sup>, trimming road sides and our pavers are doing some repairs on the roads. They did get the section on Virginia Avenue milled today. Hopefully they will have all paving finished this week. We are also working on some storm drainage problems. We have a lot of street signs in now, but we decided not to put some of them up right away. We need to get some new poles put in the ground because some of them are not high enough and some of them have been stolen or vandalized.

## **WTP AND WWTP**

Charlie Hoke, Director of Utilities, told Council members that the Water Treatment Plant is running as designed and operating very nicely. Our groundwater study is progressing well with no problems. We had a water tank inspection this month and the video of the interior and exterior of the two water tanks on Cave Hill and corner of West Main Street and Reservoir. They are all in very good condition and have no recommendations for repairs or anything. The video was crisp and clear and they did a very good job. Our distribution samples were picked up and they came back negative.

The Waste Water Treatment Plant is running as designed. We had our new compression system installed; it's quiet running, it has reduced heat in that building and with a soft start that was designed for the system, it should reduce the power costs. We are in compliance with all state and federal regulations.

## **PLANNING & ZONING**

Town Planner, Ligon Webb, reported that the Planning Commission will be meeting on Tuesday night. I have to go out of town on Wednesday, so they were able to do it on Tuesday. The Planning Commission will be looking at the study areas. We have some maps and visuals and will report to the Town Council in July or August when we really start working on the Comprehensive Plan. We have not heard anything on the TIGER grant and the other grant we applied for. I will make a list of appointments we need to make for the Planning Commission and provide you with this list next month. On the Barbee Monument, the Farmers & Merchants Bank is providing free water to the contractor. When I wrote this on Thursday, they still weren't sure about the foundation and they have done some drilling. The structural engineer came today and he thinks the foundation needs to be replaced. He is going to design something and will send it to Kenny Fox. The actual foundation is an inch higher on one side than the other side. When the foreman took it apart, his only question was that the concrete they used does not appear to be the concrete they used around that time period; it looks like it's only sand, lime and water. When they finish in August or September we need to landscape that area and also we may want to think about rededicating it maybe as a pocket park and putting some pavers down and a bench or two making it a little more inviting.

The zoning permits for May totaled seven with a total improvement value of \$35,348,285.

The EDA meets the third Monday. The only thing that came out of the last meeting is that the EDA has a revolving loan program. They have made loans locally. They want to get the word out to local businesses that they are an option for lending.

## **OLD BUSINESS**

### **FY July 1, 2012 – June 30, 2013 Budget**

Town Manager, Rick Black reported that at the May 14<sup>th</sup> meeting we held a public hearing on the proposed budget for FY July1, 2012 to June 30, 2013 . No comments were received and the public hearing was closed for further comment. At this time I would like to go forward with that budget.

**Motion:** A motion was made by Councilman Schiro to approve the Fiscal Year 2012-2013 budget in the amount of \$8,258,190.00 as presented, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Schiro, Racer. **Approved 5-0**

### **VRS Resolutions**

#### **1. Employer Retirement Contribution Rate Election**

Mr. Black reported that we have VRS Virginia Retirement System resolutions. We have two that are included in the packet. They have to be approved before the end of this year. The first one is the Employer Retirement Contribution Rate Election. The rate that has been certified by the VRS Board of Trustees for the next two years is 16.27 and the other rate that we could pay is 11.39 but then you have to pay interest on that.

**Motion:** Councilman Racer made a motion that we accept 16.27 and seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Schiro Racer. **Approved 5-0.**

#### **2. Member Contribution Election**

Mr. Black reported that the second resolution we have for the VRS is Member Contribution Election. They give you the option beginning with at least 1% and doing it every year, but anyone who gets hired after July 1<sup>st</sup> has to do 5% anyway. There's not a whole lot of difference in the payments so I am recommending that we go ahead with the 5% employee contribution election.

**Motion:** A motion was made by Councilwoman Menefee and seconded by Councilman Racer with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Schiro, Racer. **Approved: 5-0**

## **VRA Refunding Schedule**

Mr. Black reported that the ordinance and resolution have been provided by Carolyn Perry. This is scheduled to vote on July 26<sup>th</sup> at our work session. She wants to wait as long as possible to make sure that they don't change the market drastically. I wanted to make everyone aware that we would be voting on the 26<sup>th</sup>.

## **Page County Broadband**

Mr. Black reported that he was recently contacted by Ron Keyser who represents the Authority indicating that there was a problem between Shentel and Century Link. Century Link is not going to let them take a wire across their property and put a microwave dish on the pole over here. What they are asking is, and we have already passed all of their franchises and agreements, is to put a 36 inch microwave dish on this building and that was 6 inches above the roof line of that building to shoot over to this microwave that's on this building so that a wire won't be running across Century Link's property. Mr. Black stated that at a recent VML meeting a nice gentlemen from Virginia Tech was there and they are doing a study on broadband and what they are trying to do is map out and locate any and all existing what they call "vertical assets" in the state. We will be working with the Page County GIS to get everything we think is a "vertical asset" into their data base.

## **NEW BUSINESS**

### **Adjusting Entries to Current Budget Funds**

In your packets is the ad that will appear in the *Page News & Courier* for budget adjustment to our current fiscal year 2012 budget. Mr. Black would like to recommend that every year we do a resolution where we give the Treasurer the authority to go in to each fund and balance within the fund. When we do that, these numbers will come down, other than the airport.

**Motion:** A motion was made by Councilwoman Menefee and seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Schiro, Racer. **Approved 5-0**

### **North Alley Project**

Mr. Black stated that we talked last work session about the Price house down here and trying to locate something that has a little bit more value and fits our needs more. We would like to put a steel building similar to the one that's at Lake Arrowhead down there. The small issue that we have is the piece of property with the house is B-1 and the property next to it is M-1. Either way we do it, we need to have a public hearing to either rezone the property or to do a boundary line adjustment because the building will end up straddling that line on M-1. If we rezone the whole parcel to M-1 and vacate the property line, it all becomes B-1. The property is currently where these two blue buildings are that set down here. It's currently surrounded on three sides by other B-1 properties and I don't believe it would be a case of spot zoning or anything else. If there are no objections, we will be moving in that direction.

## **TOWN ATTORNEY'S REPORT**

Town Attorney, Jason Spitler, stated he had one item other than the matter identified for Executive Session that concerns the friendly boundary line adjustment concerning the Luray Rec Park. I have prepared the necessary Circuit Court Petition for both the town and county as well as an order for entry by the court. I have previously reported to Council that it may require your signature but it does not. It requires the signature of counsel for both localities. Just to give you a couple brief highlights, it provides for the incorporation of town's municipal boundaries of 57.7207 acres of land lying generally to the south of the existing boundaries known as the Luray Rec Park and recites all the proper public hearing advertisements, hearings and motions by both the county and the town and also will notify the Secretary of the Commonwealth, State Corporation Commission and the Virginia Department of Taxation as required. Everything seems to be in order and I anticipate it would be entered by the court and as you all recall, the effective date of the adjustment to the boundary line would be June 30.

## **EXECUTIVE SESSION**

### **Executive Session: 2.2-3711.A.7: Consultation with legal counsel and briefings by staff pertaining to possible litigation**

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing Section 2.2-3711.A.7.

**Motion:** 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 Vickers, Menefee, Lancaster Schiro, Racer. **Approved: 5-0**

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".**

## **MAYOR'S ANNOUNCEMENTS**

Mayor Presgraves reminded Council members that July 3 is our Fourth of July Party at Lake Arrowhead. The two new councilmen will be there. Mayor Presgraves also stated that he received an invitation from Mrs. Roop of the John Rhodes Chapter National Society Daughters of the American Revolution and they invite all of us on Monday, June 25<sup>th</sup> at 10:00 a.m. at the Page County Veterans Memorial at the Courthouse. They are going to have a small ceremony recognizing the 62<sup>nd</sup> anniversary of North Korea's attack on the 38<sup>th</sup> Parallel. Everyone is welcome to go.

Councilman Lancaster reported that somebody talked about painting the light poles at the Potomac Edison parking lot, they still haven't done it and would like for you to talk to them again. Also another thing there are three big pine trees in that lot over there and the top broke out of one of them. I think we should go to the power company and see if we could take the one down and two of the others have dead limbs hanging up in the top of them. Are we responsible for that or is the power company responsible for it. Bryan Chrisman stated he thinks they are because they are the owners. Mayor Presgraves stated I think we should look at all of our town property and any time we have a dead tree or dead limb, I think

we should be conscious and be proactive as opposed to reactive and get it down. Pat O'Brien stated that staff received an e-mail today from Administration saying let's look at our properties.

**ADJOURN**

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 8:45 P.M.

---

Barry Presgraves  
Mayor

---

Mary Broyles  
Clerk-Treasurer