

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

MONDAY, APRIL 8, 2013

The Luray Town Council met in regular session on Monday, April 8, 2013 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
Pam Flasch
Mary Menefee
Leroy Lancaster
Joey Sours
John Meaney

Also Present:

Bryan Chrisman, Assistant Town Manager
Mary Broyles, Town Clerk/Treasurer
Danielle Babb, Deputy Clerk/Treasurer
Jason Spitler, Town Attorney
Ligon Webb, Town Planner
Chief Page Campbell, Luray Police Department
Pat O'Brien, Director of Parks and Recreation
Charlie Hoke, Director of Utilities
Liz Lewis, Luray Downtown Initiative
Jerry Schiro, Former Interim Town Manager
John Robbins, Luray Page County Chamber of Commerce
Floyd Maxey, 15 Moyer Avenue
Eddie Smith, Baker Development

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 called with all members present.

Mayor Presgraves acknowledged that this has been a sad time for the Town of Luray with the passing of James "Spading" Buracker last Thursday night. He stated that Mr. O'Brien's department has suffered a great loss and he asked that everyone keep the family in their thoughts and prayers.

CONSENT AGENDA

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

Consent Agenda

- A) Minutes of the March 5, 2013 Special Council Meeting
- B) Minutes of the March 9, 2013 Special Council Meeting
- C) Minutes of the March 11, 2013 Regular Council Meeting
- D) Minutes of the March 14, 2013 Special Council Meeting
- E) Minutes of the March 19, 2013 Special Council Meeting
- F) Minutes of the March 28, 2013 Special Council Meeting
- G) Minutes of the April 3, 2013 Special Council Meeting
- H) Financial Report for the period March 1-31, 2013
- I) Accounts payable checks totaling \$ 132,867.88

PUBLIC HEARINGS

Real Estate Tax Rate for FY 2013-2014

Mayor Presgraves presented the public hearing for the proposed Real Estate Tax Rate Increase for FY 2013-2014. Mayor Presgraves stated that the town is required to hold a public hearing when considering the real estate tax rate. This hearing has been advertised in the two previous editions of the Page News & Courier. The Council is scheduled to vote on the real estate tax rate (and all other town rates and fees) for the fiscal year 2013-2014 at the Work Session meeting on April 23, 2013. The current balanced budget draft is configured with a real estate tax rate of \$0.28 cents per \$100 of assessed value.

Mayor Presgraves opened the public hearing for citizen comment.

Mr. Floyd Maxey, 15 Moyer Avenue -

Mr. Maxey stated that the proposed rate amounts to a 16% increase and would likely come with a utilities increase also. Mr. Maxey reviewed his own utility bill for his residence and feels this is too costly at an average of \$70 monthly. Mr. Maxey stated that the nation and county have been greatly affected by the current state of the economy and he is certain that no citizens have received a 16% increase in income. Mr. Maxey said that he is looking at the town's projects and would like to see spending scaled back. He emphasized that the taxpayers are not benefiting from the current economic times and he feels this is too much of an increase. Mr. Maxey said that if the increase is unavoidable, then he would prefer to see a one or two cent increase rather than a four cent increase.

With no further comments, Mayor Presgraves then closed the public hearing.

GENERAL CITIZEN COMMENTS

Jennifer Orenic - Earth Day Announcement

Ms. Jennifer Orenic came before Council members with two requests. She stated that the first is a financial request for a \$500 contribution. Ms. Orenic said that she understands that the town's budget is tight and that any contribution is appreciated. She explained that the contribution is usually used to cover the advertising costs for the event. Ms. Orenic stated that her second request is for Mr. O'Brien and his staff to assist with the set-up and event activities.

Mayor Presgraves asked Assistant Town Manager, Bryan Chrisman, if this request was funded within the town's budget. Mr. Chrisman stated that the contribution had been budgeted for based on previous year's contributions.

Councilman Vickers asked for a brief summary of the events that take place for the celebration. Ms. Orenic said that there are some vendors, educational information, a 1K and a 5K race, duck race, and music for attendees. She added that all contributors are volunteers and that many people help to make the celebration possible.

STAFF REPORTS

PUBLIC SAFETY

Chief Campbell stated that Council members have the department's written report for review. He noted a total of 42 traffic arrests and 31 criminal arrests for the first quarter ending March 2013. Chief Campbell noted a total of 184 calls for service for the month of March 2013.

Chief Campbell discussed the request from VF Jeanswear regarding parking on East Main Street. The issue is with tractor trailer traffic exiting Blue Bell Avenue. He explained that a normal length tractor trailer exiting Blue Bell Avenue onto East Main Street does not present a problem. However, the longer trailers (53 feet), which are more commonly utilized, do not have enough turning area onto East Main Street. In this area parking is not restricted, thus causing the trailers to have to turn left onto East Main Street and make a u-turn or continue on East Main Street. Chief Campbell stated that while the town does not wish to restrict parking on Main Street, both areas have off street parking available. He stated that neither residences nor businesses would be affected by restricting parking in this area. Chief Campbell, Lynn Mathews, and Bryan Chrisman all observed the issue and are in agreement on their recommendation to council members. Staff recommends painting these two curb sections hazard yellow to indicate "no parking" in these areas. Mayor Presgraves advised that this issue requires Council's action.

Motion: Councilman Sours motioned to authorize town staff to restrict parking in the area of Blue Bell Avenue and East Main Street as discussed, motion seconded by Councilman Meaney with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

PARKS AND RECREATION

Director of Parks and Recreation, Pat O'Brien provided his written report for Council. Mr. O'Brien thanked everyone for their support during the passing of Parks and Recreation employee, Jim Buracker. Mr. O'Brien thanked the council members who attended the opening ceremonies to honor Jim's contributions to the Luray Little League. Mr. O'Brien thanked Liz Lewis for her help in putting items together for the ceremony. He stated that this has been an extremely difficult time for himself and his staff, and expressed his thanks for everyone's support during this time. Mr. O'Brien said that we have all lost a truly terrific individual. Mayor Presgraves concurred that Jim will be greatly missed by all.

Mr. O'Brien thanked John Robbins of the Chamber of Commerce for inviting himself and Liz Lewis to attend the Tourism Trade Show. Mr. O'Brien reviewed his monthly report and highlighted the Tree and Beautification Committee's new tri-fold brochure. He added that the brochure will contribute to the town's Tree City USA efforts and Growth Award. Mr. O'Brien discussed the new layout for kiosk information and stressed that it is important to keep the information current and consistent. A motto contest form has also been included for Council's review. Mr. O'Brien said that the Mayor has requested that the Tree and Beautification Committee work on this project. The concept is to obtain new motto ideas to replace the current town motto "Where the Caverns Meets the Sky".

Mayor Presgraves discussed the estimates in Mr. O'Brien's report for replacing boards at the Imagination Station Playground. Mayor Presgraves asked if Mr. O'Brien had contacted Mr. Bob Drumheller about a potential contribution. Former Interim Town Manager, Jerry Schiro, stated that he had contacted Mr. Drumheller and he seems to be willing to assist with the repair costs. Mr. O'Brien said that his concern is with the amount of children who use the playground and keeping the structure safe. He said that there are different methods for approaching the repairs and that he will proceed according to council's preference. Council and staff discussed the areas that are in greatest need of repair and the different types of material that may be most suitable. Mr. Schiro stated that it would be best to approach Mr. Drumheller about this and that he may be interested in getting some of the initial contributors involved in the project again.

Councilman Vickers inquired about vandalism reports included in Mr. O'Brien's departmental report. Mr. O'Brien said that the pump for the Cave Pond fountain has been vandalized and that he is awaiting replacement parts. Other vandalism reports involve the picnic table and gazebo at the Inn Lawn Park and stolen/damaged signage. Mr. O'Brien said that these reports are not uncommon. He added that with the amount of park acreage maintained by the town, the damages are quite minimal in comparison. Mr. O'Brien reminded Council that this is an extremely busy time for his department. Upcoming events include Youth Trout Day, Earth Day, Arbor Day, and the Festival of Spring.

PUBLIC WORKS DEPARTMENT

Bryan Chrisman, Assistant Town Manager, provided the report for the Public Works Department. The Public Works Department repaired three water leaks and replaced a fire hydrant in Hilldale Subdivision. The department responded to nine sewer calls and repaired a sewer line on Second Street and a new manhole on Third Street. He advised that projects going on this month include cleaning sidewalks and streets, assisting the painting contractor, paving work, sign installation and consolidation, spring clean-up, and brush collection.

Mr. Chrisman said that several calls had been received regarding the paint chips on sidewalks from the painting contractor. He has spoken with the contractor about this and is working to remedy the problem.

WTP AND WWTP

Charlie Hoke, Director of Utilities, reported that the Wastewater Treatment Plant is operating as designed and meeting all state and federal regulations. The plant is in compliance with the Chesapeake Bay Nutrient Reduction Program.

Mr. Hoke said that the Water Treatment Plant is running very well and all distribution samples came back negative.

PLANNING AND ZONING

Town Planner, Ligon Webb, reported that the Planning Commission will have one public hearing for Mr. Chu's Special Use Permit Request. The request is for mini-storage units in a B1 Zoning District. Mr. Webb said that he has been working on the comprehensive plan and has a few small revisions. Regarding the North Broad Street improvements, Mr. Harrison has all of the necessary paperwork. Mr. Harrison has executed all documents and faxed a copy to Mr. Webb. Mr. Webb said that he has consulted with Mr. Spitler and believes that it would be suitable to proceed with work as scheduled. Turner Concrete is scheduled to begin work tomorrow and the town should have Mr. Harrison's documents on hand by Friday. Mr. Spitler said that by having the property owner's signature, he feels the town is authorized to begin. Mr. Webb said that the concrete portion of the work is estimated at about two to three weeks. Councilman Sours asked about the grant funding for the project. Mr. Webb advised that the cost to the town will be approximately \$40,000. Mr. Webb also reported on the Main Street Bridge Improvements and said that he has spoken with Ms. Davis from the Federal Highway Administration. Ms. Davis confirmed that the reimbursement for the bridge will be 80% of all expenses.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Ms. Liz Lewis advised Council members that two donations have been received for plantings at the North Broad Street Improvement Project. The Luray Tree and Beautification Committee is working on some recommendations for the plantings. Ms. Lewis stated that the deadline for Festival of Spring vendor applications was last Friday, with 80 vendor registered so far. She advised that she will continue to accept applications and work on other details of the event. Ms. Lewis updated Council on grant opportunities and upcoming meetings.

Ms. Lewis reminded that Council approved the loan application for Appalachian Outdoor Adventures at the last Council meeting. She asked the Town Attorney for an update on this. Ms. Lewis requested to proceed with the formal documentation so that the applicant may be awarded the loan funds. Mayor Presgraves directed the Town Attorney to proceed with the necessary paperwork.

Ms. Lewis said that LDI continues to research fundraising opportunities. Councilman Vickers said that he is excited about some potential opportunities for LDI's fundraising efforts. Ms. Lewis also provided a copy of the new 2013 Rack Card for Downtown Luray.

Luray-Page County Chamber of Commerce

Mr. John Robbins, Chamber Director, said that the chamber continues to be encouraged by the number of visitors received monthly. He reported that for the first quarter of 2013 the chamber has seen over 2300 tourist walk-ins; with the month of March receiving 969 tourist phone calls. Mr. Robbins said that council members had previously requested more feedback from tourists. The Chamber has created a 20 question survey that was sent out to 800 visitors via e-mail. Mr. Robbins said that once significant responses have been received, he will report the visitor's responses. The Luray Page County Chamber of Commerce is also partnering with LDI and the Page News and Courier on a survey regarding shopping patterns. He expressed that the goal is to understand why residents leave town for shopping needs. The Annual Tourism Kick-Off was held last week at the RSVP Banquet Center. He said that the feedback on this has been very positive with about 20 vendors participating. Mr. Robbins also reported that 7 entries have been received for the Business Expo and 7 entries for the yard sale portion. He anticipates that more entries will likely come in closer to the date of the event.

UPDATES

Boundary Line Adjustment Options – Airport Road

Assistant Town Manager, Bryan Chrisman, presented four different options for a potential boundary line adjustment near Airport Road. The Council may decide if they would like to adjust the town boundary in this area as a “friendly” adjustment with the County of Page. Mr. Chrisman reported that the only comments received on these options were from the Airport Commission. Mr. Markowitz has indicated that the commission is in favor of keeping 100% of the airport parcels, and most of the Runway Protection Zone (RPZ) areas, in the County. Mr. Chrisman said that this is at the discretion of Council if this is something they would like to pursue. Mayor Presgraves said that he would like to have Mr. Markowitz provide additional information on this. Mr. Chrisman said that Council will also need to concurrently consider the Luray Landing developer's agreement.

ITEMS FOR COUNCIL ACTION

Hazard Mitigation Regional Plan 2012 – Resolution

Assistant Town Manager, Bryan Chrisman, stated that the resolution is the final act necessary to update and confirm the town's involvement in the regional Hazard Mitigation Plan. The plan has been approved by FEMA and has many advantages for the town. Mr. Chrisman asked for Council's action on the resolution. He explained that the town has continued to be involved in the regional hazard mitigation plan and the formal adoption of the plan is necessary in the town's eligibility for FEMA reimbursements.

Motion: Councilman Vickers motioned to adopt the 2012 Hazard Mitigation Resolution, motion seconded by Councilman Meaney with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

Airport Runway Rehab Project

Assistant Town Manager, Bryan Chrisman, stated that Mr. Markowitz previously presented this information to Council. The project is part of the Luray Page County Airport's improvement plan. The local share for this project is \$44,140 which would be \$22,070 each for the town and county. He has advised town council that these funds are covered within his existing budget and no funding will be required of the Town or County to facilitate the project.

Motion: Councilman Lancaster motioned to approve the Airport Runway Rehabilitation Project as presented, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

Out of Town Water Connection Request - Shenk

Assistant Town Manager, Bryan Chrisman, said that Mr. Ronald Shenk has requested a water only out of town connection for his property along Cave Hill Road. The water line will serve the dwelling that has been relocated to the property and will be operated as a rental unit. The dwelling is served by a private septic system. The applicant already has two other water-only connections in this area that serve two cabin units. Mr. Chrisman stated that any application for an out of town water or sewer request does require council's approval.

Motion: Councilwoman Menefee motioned to approve the Out of Town Water Connection Request for Mr. Ronald Shenk as presented, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

TOWN ATTORNEY'S REPORT

Town Attorney, Jason Spitler, stated that he will be quickly providing the CDBG note and deed of trust requested by Liz Lewis. Mr. Spitler stated that the council has a copy of the proposed order for the circuit court regarding the vacancy of Mr. Arrington's council seat, which is now occupied by Ms. Flasch. He stated that the circuit court has ruled that there be an election held in November and he requested that Council endorse this order. Mr. Spitler advised Council members that the worker's compensation claim is still in the discovery phase. He stated that based on the amount of requests for information, the hearing will likely not take place until late July.

ADDITIONS TO THE AGENDA

Off Premises Signs

Mayor Presgraves said that he would like for Council to discuss off premises signs and pointed out several areas where these exist. He stated that this is something the Council needs to consider and that previously some permissions have been granted. Mayor Presgraves stated that the business owner is

aware of the demographics of their location when they choose such location. He would like to see the Council make some decision on this issue and see that sign regulations are kept consistent. Council also discussed the sign regulations and related enforcement issues. Liz Lewis, LDI Director, said that this seems to be a sensitive issue for business owners and would like to see what other communities are doing in this regard. Councilman Lancaster said that he would like to see the town enforce its existing ordinance. Councilman Vickers agreed that this may be a sensitive issue but that he would like to see the town enforce compliance first. Chief Campbell stated that he has addressed this with some business owners and finds it hard to enforce the rules if no one knows what special permissions have been granted. Chief Campbell said that he feels the best policy is for no off-premises signs of any kind.

Town Planner, Ligon Webb, discussed sandwich board signs and off premises signs and how they relate to the current code. Council and staff discussed the signage and what is considered on and off premises. Mr. Webb noted several problem areas and some situations that were given special consideration. Councilman Vickers expressed concern over the safety issues associated with signs on the sidewalk area. Chief Campbell said that we need to be cautious of existing permits and that these instances need to be clarified. Mr. Webb stated that existing permits are eligible for an annual review.

Motion: Councilman Vickers motioned to enforce the sign ordinance as it exists, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

EXECUTIVE SESSION

Personnel, Section 2.2-3711.A.1 – Town Manager

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

Motion: Councilman Lancaster 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: Councilman Lancaster motioned to adjourn the closed session and to reconvene in open session; Councilwoman Menefee 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”.**

ANNOUNCEMENTS

Mayor Presgraves reminded council and staff that Mr. Chrisman will be out of town until Thursday at a conference. Mayor Presgraves asked Council for action to fill the position of Temporary Town Manager.

Motion: Councilman Lancaster motioned to appoint Mr. Charlie Hoke to the position of Temporary Town Manager until further notice; Councilman Vickers seconded the motion with the following members voting YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

Councilman Vickers stated that he is concerned for the Parks and Recreation Department with the passing of one of their fellow employees. Mr. Vickers said that he is concerned that Mr. O'Brien does not have enough staff as the town begins a busy season. Councilman Vickers noted that with the changes in the interim/temporary manager positions; he would like to know if Mr. O'Brien has the authority to hire a new staff member. Mayor Presgraves stated that for some years now, the town has been looking at hiring an assistant for Mr. O'Brien. This would allow for the assistant to become trained in the event of Mr. O'Brien's retirement. Mayor Presgraves said that Mr. O'Brien would like to promote a part-time employee to full-time status. However, Mayor Presgraves feels it is more important to begin looking long-term for a replacement director for the department. Councilman Vickers stated that the issue remains that the department is a member short. Council and staff discussed the regulations for part time workers due to the Affordable Care Act. Council discussed that some work can be outsourced and that full-time employees can work overtime hours to assist. Mayor Presgraves said that he plans to meet with Mr. O'Brien tomorrow morning to discuss this further. Councilman Vickers requested to discuss this further at the work session meeting and stressed that council members show support for the department during this time. Councilman Lancaster said that this may lead to the outsourcing of projects as well.

Mayor Presgraves asked for Council's action on the Resolution in memory of James Buracker.

Motion: Councilman Lancaster motioned to approve the Resolution for James "Spading" Buracker; Councilman Vickers seconded the motion with the following members voting YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

ADJOURN

With no further business, Mayor Presgraves adjourned the regular session of the Luray Town Council at approximately 9:38pm.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer