

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

MONDAY, December 13, 2010

The Luray Town Council met in regular session on Monday, December 13, 2010 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
Lonnie Arrington
Mary Menefee
Leroy Lancaster
Jerry Schiro
Earl Racer**

**Also Present: Rick Black, Town Manager
Bryan Chrisman, Assistant Town Manager
Mary Broyles, Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Ligon Webb, Town Planner
Jason Spitler, Town Attorney
Page Campbell, Chief of Police
Pat O'Brien, Director of Parks and Recreation
Charlie Hoke, Director of Utilities
Lynn Mathews, Superintendant of Public Works
Powell Markowitz, Luray Page County Airport
Liz Lewis, Luray Downtown Initiative
Briana Campbell, Luray-Page County Chamber of Commerce
James Kelly, Robinson, Farmer, Cox Associates
Karen Riddle, Luray Bicentennial
Dr. Michael Rush, People Inc.
Pat Racey, Luray Little League**

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. All present then recited the United States Pledge of Allegiance.

CONSENT AGENDA

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

Consent Agenda

- A) *Minutes of November 8, 2010 Regular Council Meeting.*
- B) *Financial Report for the period November 1 –30, 2010.*
- C) *Accounts payable checks totaling \$198,130.60.*

PUBLIC HEARINGS

Acceptance of a Virginia Department of Aviation Grant

Town Manager, Rick Black, stated that the request is for the acceptance of a Virginia Department of Aviation Grant. The grant is for a 12,000 gallon fuel storage tank at the Luray Caverns Airport. Mayor Presgraves opened the public hearing for citizen comment. With no comments from the public, the hearing was closed. **Motion:** Councilman Lancaster motioned to approve the Virginia Department of Aviation Grant, motion seconded by Councilwoman Menefee with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

GENERAL CITIZEN COMMENT

James Kelly- Robinson, Farmer, Cox Associates

Mr. Kelly stated that members of Council should all have a copy of the Town's Audit Report. He stated that the Town of Luray received an "Unqualified Opinion", which is the best opinion allowed by the accounting profession. He recalled that the town has received this opinion for numerous years. Mr. Kelly pointed out the Management Letter which provides a good narrative summary of the fiscal year. Mr. Kelly reviewed the Balance Sheet of the town and noted a healthy fund balance at year end. He also reviewed the Statement of Revenues and Expenditures which reflected a \$57,000 deficit. Mr. Kelly explained that when considering the current economy, this deficit is not necessarily a bad reflection. Mr. Kelly also discussed the budget versus actual figures; he stated that the town shows good financial management by the council and staff. Mr. Kelly also reviewed the VRS Actuarial data and the percentage of taxes collected as compared to taxes levied. Lastly, he said that the town also met the requirements of additional compliance testing that was required due to the amount of debt service for the water and wastewater capital projects.

Pat Racey- Luray Little League

Pat Racey spoke on behalf of the Luray Little League and wished everyone a “Merry Christmas”. Mr. Racey discussed the evaluation of the construction costs for project softball. He said that this process has begun and that he continues to work with Councilwoman Menefee and Town Attorney Spitler on the audit committee of the league. Mr. Racey requested to provide a detailed analysis at the January 2011 Council Work Session.

Dr. Michael Rush, People Inc.

Dr. Michael Rush of People Inc. spoke regarding the non-profit organization’s plans to purchase vacant property in the town. Dr. Rush explained that the property is in the 100 block of Main Street and that his organization hopes to develop the property into affordable housing. He explained that the organization is dedicated to providing affordable housing. Dr. Rush stated that People Inc. wants to do this project and he feels that this will also help revitalize the downtown area. He explained that the project would be constructed from energy efficient materials and would be equally energy efficient to maintain. He spoke of several similar projects in Virginia and offered to forward additional photos/information to Council and Staff. Dr. Rush also requested that taxes on the construction project be deferred until the project is completed. Dr. Rush also asked the Council to consider passing an Affordable Dwelling Ordinance.

Town Planner, Ligon Webb, reminded that this project requires a special use permit and that it must follow due process. Mayor Presgraves stated that Council will need a great deal more information on this for consideration of the project. Councilman Schiro stated that the property under consideration is in the business district. Council and staff raised several more questions and concluded that going through the planning commission due process would allow for further clarification.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Liz Lewis stated that LDI has successfully launched the Sparkles and Sweets downtown shopping program. She reviewed advertising for the recent parade and community reception. Ms. Lewis added that the community reception was lengthened by several hours to attract more visitors to the downtown area. Ms. Lewis reviewed the Virginia Main Street Agreement and requested that it be signed by the Town. Ms. Lewis also provided handouts on the LDI Work Plan for 2010-2011.

Councilman Vickers asked if there were any youth members on the LDI board. Ms. Lewis stated that there are occasionally youth volunteers for events.

Ms. Lewis requested permission for the LDI office to relocate to the Depot. She stated that the office space will only need doors added and they will match the design integrity of the rest of the space. Ms. Lewis stated that this move would allow the office a more visible location in the town and would reduce operational costs. Councilman Vickers asked how the office space would be used. Ms. Lewis replied that it would be office space for the new part-time director, when the position is filled. Howard

Thompson, Luray-Page County Chamber of Commerce Chairman, stated that he will contact the Chamber Board of Directors to obtain permission. Councilman Racer stated that he would like to hear from Architect Dave Puckett for his input before making a decision.

Ms. Lewis stated that the advertisement for a Part-Time Director for LDI will be in the upcoming newspaper. She added that she hopes the position will be filled by January.

Motion: Councilwoman Menefee motioned to approve the Virginia Main Street Letter of Agreement, motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Luray/Page County Chamber of Commerce

Briana Campbell provided Council with a copy of the new edition of the Virginia Travel Guide. She pointed out the Shenandoah Valley portion which was a cooperative advertising effort. Ms. Campbell reviewed the statistics for the chamber phone calls and walk-ins. Ms. Campbell stated that the last Business After Hours of 2010 was held at the Milton House with a gift provided by Marlow Ford. Ms. Campbell said that the Business Networking Breakfast will now be alternating between a luncheon and breakfast in order to accommodate more attendees. She also announced that Luray has been voted the Number Two destination for weddings in the United States by *TLC* (The Learning Channel).

Councilwoman Menefee asked for updates on the 75th Anniversary of the Shenandoah National Park. Ms. Campbell replied that the events calendar is in progress and she hopes to have this available in January.

Airport Commission

Mr. Powell Markowitz stated that there are currently five hangar spaces remaining open with two of them to be filled in January. Mr. Markowitz said that negotiations continue with the mechanic.

DEPARTMENTAL REPORTS

POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES

Police Chief, Page Campbell, stated that the total calls for service for November totaled 245. Chief Campbell said that he participated in several severe weather conference calls recently. He announced the retirement celebration for Sergeant Anderson in January at the Luray Caverns Restaurant and provided Council members with invitations. Chief Campbell stated that he will provide his year-end report at the January Council meeting.

PARKS AND RECREATION

Mayor Presgraves commended Mr. O'Brien on the Luray Christmas Parade that was held on Saturday.

Mr. O'Brien handed out a packet regarding the Project Softball Complex. The packet was given to the Virginia Tourism Commission in a recent meeting held in Richmond. Mr. O'Brien stated that the trip to Richmond was an attempt to gain marketing assistance for the town's softball facility.

Mr. O'Brien presented a fact sheet for the Urban Tree Canopy Assessment. This is a free assessment for the Town of Luray that will be conducted by Virginia Tech.

Councilman Vickers asked if any events have been scheduled for the softball complex for next year. Mr. O'Brien said that he believes two events are currently scheduled. Councilman Vickers also inquired about ice-skating facilities. Mr. O'Brien was instructed by Council to pull the pump at cave pond to allow for ice skating.

Mr. O'Brien stated that he has submitted the Tree City USA and Arbor Day applications. He noted that the Town of Luray is only one of four in the state to receive the prestigious Growth Award. Mr. O'Brien also said that during Luray's Bicentennial the town will be receiving the Sterling Award.

Lastly, Mr. O'Brien thanked all of the town's departments for their assistance with the Christmas Parade.

Councilman Lancaster suggested using the vacant house along North Alley to store event items. He said that this would free up space in the storage facility at the recreation park and allow for equipment to be housed indoors for the winter. Council concurred for this space to be used for the storage of event items and decorations.

PUBLIC WORKS DEPARTMENT

Lynn Mathews, Superintendent of Public Works, said that the department had repaired five water leaks this month and had insulated meter boxes. Mr. Mathews stated that the department had responded to six sewer calls. Upcoming projects for the department include sign repair, storm drainage work, trimming roadsides, assisting with paving projects, displaying flags, leaf collection, and preparing all equipment for winter weather.

WTP AND WWTP

Charlie Hoke, Director of Utilities, said that the Water Treatment Plant system has been returned to automatic operation. Also, he said that the booster pump station has been converted over to new, more efficient motors. He stated that all samples in the distribution system are negative.

Mr. Hoke said that the Waste Water Treatment Plant construction crew has been offsite for several weeks now; however there are still a few punch list items to be completed. He said that the plant is in compliance with all state and federal regulations.

PLANNING

Mr. Webb told the Council that Dr. Rush of People Inc. has been considering the development of the property on Main Street for some time; however, he will need to apply for the special use permit and

proceed from there. Councilman Schiro suggested that the use of the property may not be appropriate. Mr. Webb stated that the organization has created some good projects in other areas. He said that the permit process will take some time and that there will be lots of questions.

Mr. Webb said that there will be one public hearing coming up for an Accessory Dwelling Unit. Lastly, Mr. Webb said that he will also be working on the language for *Electronic Offices* and that the commission will be working on this definition.

OLD BUSINESS

Bicentennial Celebration

Town Manager, Rick Black, stated that the town is planning a celebration for 2012. Mr. Black has invited Karen Riddle to give a short presentation to Council on some ideas that they may want to consider.

Ms. Riddle provided a power point presentation that gave a concept proposal and proposed objectives.

After Ms. Riddle concluded her presentation, Councilman Vickers asked approximately what size the committee will be. Ms. Riddle stated she is estimating about ten members representing various organizations.

Mayor Presgraves stated that this is a preliminary vision for the event. Councilman Schiro asked what the next step would be in this process. Mayor Presgraves said that the Council would discuss this further at the next work session.

NEW BUSINESS

VDOT: I-81 Questionnaire

Mr. Black told Council that he will be attending a meeting regarding the I-81 Corridor. He will be completing a questionnaire and asked Council to contact him with any concerns that they would like voiced at the meeting.

Credit & Debit Card

Town Manager, Rick Black, advised Council that based on customer requests he is proposing the use of credit and debit card payments. Mr. Black has received quotes from B.A.I. and Valley Automation for the implementation of these payment methods. This proposal will require additional systems from the town's software company as well as a new server and firewall from the town's IT support company. Mr. Black stated that if the town wants to move forward with this project; it would be best to do this in the next few days. Mr. Black explained that if the upgrades are purchased now, it will result in significant savings for the town.

Councilman Vickers asked if there will be a surcharge for this service. Mr. Black stated that there would be a surcharge for customers who utilize the service. Councilman Lancaster said that the initial

set-up costs will not be recovered, only the transaction fees. Councilman Schiro asked if this will be implemented in phases. Mr. Black said that while it is best to implement the process in small phases, all of the software purchases must be made initially. Councilman Racer stated that it would be best to purchase all the necessary software right now.

Motion: Councilman Vickers motioned to approve the purchase of \$14,000 in equipment necessary for the acceptance of credit and debit card payments, motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Luray Hawksbill Greenway

Mayor Presgraves asked Council to view the Hawksbill Greenway Foundation brochure provided by Mr. Ken Beyer. He noted that these brochures will be going out in all kiosks and rack card holders.

EXECUTIVE SESSION

Investment of Public Funds, Section 2.2-3711.A.6 Disposition of Public Property, Section 2.2-3711.A.3

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing Section 2.2-3711.A.6 and Section 2.2-3711.A.3. **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, Arrington, Menefee, Lancaster, Schiro, and Racer. **Approved 6-0**

Motion: Councilman Schiro motioned to adjourn the closed session and to reconvene in open session; Councilman Racer seconded the motion with the following members voting YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, and Racer. **Approved 6-0**

Mayor Presgraves asked members of Council to certify that to the best of their knowledge the only matters covered under Section 2.2-3711.A.6 and Section 2.2-3711.A.3 were heard, discussed, or considered during the closed session. **The roll was called with all members certifying “Yes”.**

Mayor Presgraves asked if Council wished to take action on items discussed in closed session.

Motion: Councilman Schiro motioned to authorize a sewer facility connection in exchange for an easement at the Gochenour property; Councilman Arrington seconded the motion with the following members voting YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, and Racer. **Approved 6-0**

TOWN ATTORNEY’S REPORT

Jason Spitler, Town Attorney, stated that the Rural Development loan was successfully closed for the Water Treatment Plant.

Mr. Spitler also reviewed the Pyrotecnico contract and noted several changes to the language of the contract. Mr. Spitler cited the changes he would like to see made and feels that there should be no issue negotiating these changes. Mr. Spitler asked that Council approve the contract contingent upon the negotiation of the changes discussed.

Motion: Councilman Arrington motioned to approve the contract with Pyrotecnico contingent upon the changes desired by the Town Attorney; Councilman Schiro seconded the motion with the following members voting YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, and Racer.

Approved 6-0

Town Manager, Rick Black, said that he had received a request from Luray Caverns to move the location of the July 4th Fireworks to the caverns property. Council's consensus was not to change the location.

ANNOUNCEMENTS/ ADJOURN

Mayor Presgraves reminded Council and Staff of the Town of Luray Christmas Dinner on December 17th.

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 9:46 P.M.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer