

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

MONDAY, FEBRUARY 11, 2013

The Luray Town Council met in regular session on Monday, February 11, 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
Mary Menefee
Leroy Lancaster
Joey Sours
John Meaney

Also Present:

Jerry Schiro, Interim Town Manager
Bryan Chrisman, Assistant Town Manager
Mary Broyles, Town Clerk/Treasurer
Danielle Babb, Deputy Clerk/Treasurer
Jason Spitler, Town Attorney
Rodger Smith, Legal Counsel
Ligon Webb, Town Planner
Lynn Mathews, Superintendent of Public Works
Page Campbell, Police Chief
Wayne Petefish, Assistant Police Chief
Pat O'Brien, Director of Parks and Recreation
Charlie Hoke, Director of Utilities
Liz Lewis, Luray Downtown Initiative
John Robbins, Luray Page County Chamber of Commerce
Powell Markowitz, Luray Page County Airport
Andy Caviness, Luray Cavemen Baseball
Page News and Courier

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 Vickers led everyone in reciting the United States Pledge of Allegiance.

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, Menefee, Lancaster, Sours, Meaney. **Approved 5-0**

Consent Agenda

- A) Minutes of the January 14, 2013 Regular Council Meeting.*
- B) Minutes of January 29, 2013 Work Session.*
- C) Financial Reports for the period ending January 1-31, 2013.*
- D) Accounts payable checks totaling \$126,815.90.*

STAFF REPORTS

PARKS AND RECREATION

Director of Parks and Recreation, Pat O'Brien provided his written report for Council. He advised Council members that the town has received the Arbor Day Foundation's National Tree City USA Award and the prestigious Growth Award. These awards are primarily received due to the town's continued "green efforts". Mr. O'Brien said that more information can be found at www.arborday.org, including an article about Luray's Hawksbill Greenway. Mr. O'Brien updated members on the Bicentennial Planter project and said that the remaining work should be complete this week. He hopes the granite plaque will be installed tomorrow. Mr. O'Brien said that a tentative date for the planter ceremony is February 23rd. Councilman Vickers indicated that this date may need to be moved until the last Saturday of February or March 2nd at 4:00pm. Mr. Vickers stated that he would like for the ceremony to be held on the weekend in order to allow for more attendees. Mr. O'Brien provided the 2013 Evenings on Main Concert Series schedule. He stated that these concerts will be included in the events for the rack card publication.

Mr. O'Brien provided a depiction of the proposed Bicentennial mural for the North Broad Street area. Mr. O'Brien said that the wall has been cleaned, painted, and primed and is ready for the mural to be painted. He said that the design has been approved by the tree and beautification committee. Mayor Presgraves suggested that the sketch may be more conducive to a location closer to Court Street. Ms. Lewis and Mr. O'Brien stated that the sketch has been approved by the building owner and work should begin as soon as weather permits. Mayor Presgraves discussed the contracts pertaining to town murals. Mr. O'Brien explained that the town has a contract with the building owner to paint and maintain the artwork for all town murals. Council and staff discussed the ongoing maintenance of the murals and the responsibilities of the town.

PUBLIC WORKS DEPARTMENT

Lynn Mathews, Superintendent of Public Works, informed Council that the public works department repaired three water leaks and responded to seven sewer calls. Mr. Mathews stated that the sewer tap at 804/808 East Main Street had been made. He said that due to the depth of the sewer main, a contractor was utilized to assist in this work. He advised that projects going on this month include storm drainage work, patching roadsides, cleaning sidewalks and bridges, clean up at the water tank property, and displaying the flags for President's Day.

WTP AND WWTP

Charlie Hoke, Director of Utilities, stated that the Water Treatment Plant is running as designed and all distribution samples came back negative. Mr. Hoke said that plant continues to produce very good quality water for the town.

Mr. Hoke reported that the Wastewater Treatment Plant is operating as designed. He said that the plant is in compliance with the Chesapeake Bay Nutrient Reduction Program. Mr. Hoke advised members that the plant is in compliance with all state and federal regulations.

Regarding the Water Treatment Plant, Mr. Hoke noted that the West Main Booster Pump Station is working well and he is satisfied with the rebuilding of the first pump. Mr. Hoke advised that this has taken care of any prior issues with pressure for the west end of town. He added that work will take place to rebuild the second pump.

PRESENTATIONS

Andy Caviness- Request for Funding Luray Cavemen Baseball Team

Mr. Caviness spoke to Council regarding his concern for the absence of baseball in Luray. Mr. Caviness said that he had been involved with the Luray Wranglers for about the last seven years and has decided to try to get a team going for Luray. Mr. Caviness said that he has been working on putting together a team for the RCBL but his largest problem is funding. He noted that he has obtained proposals for uniforms, proposals for setting up a limited liability company, and has obtained a federal identification number. He is still completing the paperwork to establish the team as a 501(c)(3) internal revenue status. Mr. Caviness said that he is asking for Council to support this effort, similar to the previous support given to the Luray Wranglers. Mayor Presgraves asked if any other sponsorships have been committed. Mr. Caviness said that he has talked to a few small donors and is currently hoping for a commitment from Luray Caverns. He informed members that games would be played at the same field as the Luray Wranglers. Mr. Vickers asked if this was the same concept as the Valley League teams. Mr. Caviness explained that this is not a Valley League team, but rather is an RCBL Team (Rockingham County Baseball League). Mayor Presgraves said that the town had appropriated funds for the Luray Wranglers, but since the team no longer exists the town re-allocated those funds to Page One. He explained that the current budget does not include funding for this request. Councilwoman Menefee asked if all contribution funds have been expended. Town Manager, Jerry Schiro, said that there may still be some funding available for miscellaneous contributions. However, he cautioned that the team would need to first obtain the non-profit status. Council discussed the timing needed for a contribution and Mr. Caviness stated that funding is really needed by mid April. Councilwoman Menefee requested to discuss this further at a work session. Mayor Presgraves concluded by asking Mr. Caviness to return to Council upon receipt of the team's 501(c)(3) status.

EXECUTIVE SESSION

Legal Matters, Section 2.2-3711.A.7 – Probable Litigation
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.7 and Section 2.2-3711.A.1.

Motion: Councilman Vickers motioned to recess the regular session and to convene in executive session; Councilwoman Menefee seconded the motion with the following members voting YEA: Council Members Vickers, Menefee, Lancaster, Sours, Meaney. **Approved 5-0**

Motion: Councilwoman Menefee motioned to adjourn the closed session and to reconvene in open session; Councilman Lancaster seconded the motion with the following members voting YEA: Council Members Vickers, Menefee, Lancaster, Sours, Meaney. **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.7 and Section 2.2-3711.A.1 were heard, discussed, or considered during the closed session. **The roll was called with all members certifying “Yes”.**

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Liz Lewis, Director, stated that the North Broad Street Improvement Project is moving along. She noted that Racey Engineering is working on the plans for the project and LDI will use grant funding to cover the estimated \$4,200 cost. Ms. Lewis informed Council members of a grant award for \$10,000 for downtown improvements. She will refer to this as the “Buy Local” Grant and plans to work on the implementation of a permanent Farmer’s Market, to promote a buy local identity, and to encourage and create business. Ms. Lewis stated that LDI did not receive the \$25,000 PAL’s grant but will continue to work with Virginia MainStreet on this. Ms. Lewis said that a sample Revolving Loan packet has been included for Council’s review. She has sent packets out to three applicants so far.

Ms. Lewis discussed the 2013 Events rack card and noted a few additions. Ms. Lewis would like to proceed with printing the rack cards. Councilman Vickers asked about plans for a fall festival. Ms. Lewis discussed plans for a “Pumpkin Palooza” to be held in the parking area behind the Trackside Theater. Ms. Lewis clarified that the event would include vendors and activities, but would not require any street closures. Mr. Vickers suggested incorporating a hiking theme into the event and scheduling the event later in the fall season. He feels that this would be a better representation of our community. Ms. Lewis said that she has received many requests for Luray to hold a fall festival and hopes this will be a good fundraiser for LDI. Mayor Presgraves asked if this event would take the place of the annual LDI fundraiser. He said that he has heard many concerns related to the annual fundraiser no longer taking place at the Mimslyn. Ms. Lewis feels that the \$10,000 cash prize was a real draw in the past, but is no longer awarded at the event. She hopes that in a few years the economy will allow for this again.

Councilman Vickers asked when LDI would present their budget for the upcoming year. Ms. Lewis hopes to discuss this at the February work session.

Luray/Page County Chamber of Commerce

Mr. John Robbins stated that the chamber statistics were up for the month of January. The chamber had 679 tourist walk-ins and 335 tourist phone calls for the month. Mr. Robbins said that the chamber staff met recently with the Shenandoah Valley Work Force Investment Board, who administers a Department of Labor grant program. The program reimburses health care facilities and manufacturing companies for hiring new employees with the stipulation that the new employee be unemployed or under-employed. He stated that representatives from Valley Health-Page Memorial and EMCO were in attendance to discuss this opportunity. Mr. Robbins also stated that the chamber has met with Dr. Powers, Superintendent of Page Public Schools, to discuss workshops for high school students. The chamber is proposing a work shop that will include resume writing, interviews, and job experience. The chamber is also working with the school system on a clothing drive to assist students with appropriate job interview attire and will be soliciting donations.

Luray Bicentennial Committee

Councilman Ron Vickers updated Council on Bicentennial events. He stated that the celebration will be on March 2nd at 4:00pm and will include a ribbon cutting ceremony. Mr. Vickers said that he is very excited about the time capsule and is continuing to receive items. He also encouraged the Page News and Courier to continue requesting items from the public.

Luray Page County Airport Commission

Mr. Powell Markowitz stated that in September 2011 the master agreement with Delta Airport Consultants was approved by the town and county. However, the DOAV has different requirements due to Virginia Procurement Laws and thus requires an annual ratification of this agreement. Mr. Markowitz is requesting this approval from Council at tonight's meeting.

Motion: Councilman Lancaster motioned to approve the annual ratification of the Delta Airport agreement in accordance with DOAV requirements as presented, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Sours, Meaney.
Approved 5-0

UPDATES

Caverns Airport Operations

Mr. Powell Markowitz updated Council members on the Luray Caverns Airport operations. Mr. Markowitz said that previously he had reported that the Luray Caverns Airport Agreement would expire in June 2013. Initially, he had reported that Mr. Graves was planning to continue the lease agreement for an additional year. Since then, Mr. Graves has reported that he will not continue the lease; thus leaving the town and county responsible for the operations of the airport. Mr. Markowitz explained that he is working on some budget figures and has a rough idea of the cost of maintaining operations. He stated that the Luray Page County Airport Act enables the creation of a Luray Page County Airport Authority. This would enable a governing body to make decisions and report to both the town and county. The town and county would be able to create this authoritative body if they so choose. Mr.

Markowitz said that he would like to see this happen and feels this would be an effective way of managing the airport operations. Staff and Council discussed how this process would work and Mr. Schiro said that it may not be feasible to have in place by June 30th. However, Mr. Schiro said that in terms of the budget the town will need to consider this funding. Also, the town will need to work with Page County on determining if both parties will proceed with the development of an airport authority.

STAFF REPORTS - CONINTUED

PLANNING AND ZONING

Town Planner, Ligon Webb, reported that the Planning Commission will have two public hearings at their upcoming meeting. He said that the special use permit requests can be found in Council's packet along with the associated advertisements. Mr. Webb asked Mr. Spitler for an update on the Harrison easement in regards to the North Broad Street Improvement Project. Mr. Spitler said that he had planned to report to Council that there are a few issues with the current survey. Mr. Spitler is working with town staff and Racey Engineering to coordinate the necessary revisions.

Mr. Webb reported that he has had one inquiry regarding a potential tax credit project. Mr. Webb suggested that the interested party come to the work session to discuss this with Council members. Councilman Lancaster suggested that they come before the Planning Commission before approaching Council. Mr. Webb said that this is for a potential housing project and that he and Mr. Schiro have requested the developer provide more information to town staff.

Lastly, Mr. Webb reported a total of seven zoning permits for January 2013.

POLICE DEPARMENT ANNUAL REPORT

Police Chief, Page Campbell, stated that he has provided the monthly report in Council's packet but will proceed directly to the department's annual report. Chief Campbell provided a power point presentation on the status of the Luray Police Department for 2012. Chief Campbell stressed that this allows Council to know what is going on with the police department and to allow the opportunity for questions. Chief Campbell provided information regarding the department's mission statement, personnel, training requirements; leave records, and fleet vehicles. The presentation also included information on the number and types of calls for service, high volume calls, and departmental arrests. Assistant Chief, Wayne Petefish, presented information on the department's Use of Force Policy, evidence collection and storage procedures, departmental weapons and ammunition, and training. Assistant Chief Petefish discussed a recent training event that involved "active shooter" training and was hosted by Luray Police Department, Pace Survival, and Virginia Municipal League. Chief Campbell noted at the conclusion of his presentation that the entire slideshow would be available on the town's website tomorrow morning. Also, Chief Campbell advised Council and Staff members that he is currently celebrating his 25th year with the town and his 17th year as Chief of Police. Chief Campbell stated that he intends to retire at the end of 2013. He stressed that this is his intention and that he will provide Council with a written commitment and wants Council to be aware that they will need to begin the process of selecting a replacement.

ITEMS FOR COUNCIL ACTION

Luray Little League Agreement

Interim Town Manager, Jerry Schiro, stated that Council has a copy of the agreement regarding the Little League Concession stand. He said that the terms were discussed at the Council work session and the Town Attorney has provided a copy of this agreement to staff and to the league. Mr. Schiro said that the league board has signed off on the agreement and the document is now before Council members for a formal approval.

Motion: Councilman Sours motioned to approve the Luray Little League Concession Agreement as presented, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Sours, Meaney. **Approved 5-0**

Planning Commission Appointment

Councilman Meaney stated that he would like to appoint Grace Nowak (218 Fairview Road, Luray) to the Luray Planning Commission. He stated that she has previous planning commission experience and feels she would be a strong candidate.

Motion: Councilman Meaney motioned to appoint Grace Nowak to the Luray Planning Commission, motion seconded by Councilwoman Menefee with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Sours, Meaney. **Approved 5-0**

TOWN ATTORNEY'S REPORT

Revised Meals Tax Ordinance

Town Attorney, Jason Spitler, stated that during the recent work session the Council discussed revisions to the town's meals and lodging tax ordinances. In Council's packet, he has provided a copy of the revised meals tax ordinance. The main objective in these changes is to establish a consistent method for collection, reporting, and payment between both meals and lodging tax. As discussed at the work session, it would be most appropriate to wait until the end of the fiscal year to approve these changes. Mr. Spitler stated that he is not asking for action on these amendments at this evening's meeting, but requested that any questions or revisions be directed to him.

Bob Harrison/ North Broad Street Sidewalk Easements

Town Attorney, Jason Spitler, stated that he has discussed this during the Town Planner's report, noting that there are a few issues with the existing survey. Mr. Spitler said that Assistant Town Manager, Bryan Chrisman, is working on these issues and is working with Racey Engineering to obtain a revised plat.

Petition and Order regarding Town Council seat vacancy

Mr. Spitler stated that he has filed a petition and order with the Page County Circuit Court on Friday, February 8th. Mr. Spitler said that the town has 45 days to fill this vacancy and that no special election will be required. He advised appointment will need to be made no later than March 15th, 2013.

ANNOUNCEMENTS

Councilwoman Menefee discussed honoring Pam Flasch for her contributions to the Bicentennial Celebration. She recalled Council considering a monetary gift and would like to know if this is something they would like to move forward with. Councilman Vickers said that he would like to make the motion to give Pam Flasch a check for \$5,000. Councilman Sours stated that he has given this some thought and feels this is still a relatively small amount when considering the cost effectiveness of her contributions to the town and considers this very appropriate.

Motion: Councilman Vickers motioned to honor Pam Flasch with a monetary gift of \$5,000 and a thank you for her hard work on the Bicentennial, motion seconded by Councilwoman Menefee with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Sours, Meaney. **Approved 5-0**

ADJOURN

With no further business, Mayor Presgraves adjourned the regular session of the Luray Town Council at approximately 10:25pm.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer