

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

MONDAY, JULY 9, 2012

The Luray Town Council met in regular session on Monday, July 9, 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
Lonnie Arrington
Mary Menefee
Leroy Lancaster
Joey Sours
John Meaney

Also Present:

Rick Black, Town Manager
Bryan Chrisman, Assistant Town Manager
Mary Broyles, Town Clerk/Treasurer
Danielle Babb, Deputy 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
Liz Lewis, Luray Downtown Initiative
Terry Dodson, Luray Little League
Katie Sokol, Down River Landscape Design

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 Sours led everyone in reciting the United States Pledge of Allegiance. The roll was then called with all members present. Mayor Presgraves welcomed new Council members Joey Sours and John Meaney.

CONSENT AGENDA

Councilman Lancaster made several corrections to the minutes of June 11th and June 26th.

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

Consent Agenda

- A) *Minutes of the June 11, 2012 Regular Council Meeting.*
- B) *Minutes of the June 26, 2012 Council Work Session.*
- C) *Financial Report for the period June 1-30, 2012.*
- D) *Accounts payable checks totaling \$287,844.66.*

PUBLIC HEARINGS: (None Scheduled)

GENERAL CITIZEN COMMENTS

Terry Dodson, Luray Little League

Mr. Dodson said that he was present to ask for hosts from staff for the upcoming tournament. Mr. Dodson said that teams will arrive on July 26th between 10:00am and 2:00pm; teams will report directly to the recreation park. He sent around a signup sheet for those who would like to volunteer to be a team host. He explained that the team “host” would be invited to meet the team when they arrive and answer questions they may have during their stay. Approximately 14 teams will be participating and will remain in town through July 31st. Mr. Dodson said that he has spoken with the Chamber of Commerce and packets are being prepared for team members.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Liz Lewis stated the Bridge Theatre feasibility study continues and she has filed for another one month extension on the project. She said that the main problem in cases such as this, is when buildings are not publically owned. Unless the buildings are publically owned, the rehabilitation costs can prohibit investments. This can lead to buildings being vacant on Main Street for an even longer time period. Whereas, publically owned buildings are eligible for grant funding. Typically only tax credits will help private owners. Ms. Lewis said that it is favorable for LDI to receive a small business development grant. Ms. Lewis noted that the town will also need to complete the Downtown Improvement Grant by next May. This will provide \$25,000 in funding for the Broad Street gateway area. Ms. Lewis also displayed a cooperative advertising effort in the Page News and Courier. This is an effort to organize all local events. A merchant meeting is scheduled for Tuesday, July 31 at Shenandoah Moon at 8:30am. Ms. Lewis stated that her “most exciting” news was receiving keys to the new LDI office at the depot.

Luray/Page County Chamber of Commerce

Ms. Pam Flasch gave the Chamber report for June and noted 668 local calls, 478 local walk-ins, 751 tourist calls, and 2,315 tourist walk-ins. Ms. Flasch said that the new website for the chamber should launch any day this week. Chamber events for the upcoming month include; Business Counseling on July 17th, Business After Hours on July 19th sponsored by Richards Bus Lines, and Tourism Tuesday on July 31st with guest speaker Nina Long of the United Way.

Luray Bicentennial

Pam Flasch reported that the committee held several events in June. On June 16th a History Day was held at the Depot and Library. The day ended with a dinner on the plaza at the PAL's center. Also, a Bicentennial night was held at the Luray Wranglers game. A "rideable art" reception was held during the Luray Crit with about 70-80 participants. Ms. Flasch noted that next week is the "My Town" 4-H camp and she will be working with LDI and 4-H participants. The Bicentennial Committee will be working on some legacy projects such as the planter project, mural project, and the commemoration of the town's plots/transfer of deeds.

Mayor Presgraves asked if any thought has been given to the re-dedication of the East End Heroes Monument. Town Planner, Ligon Webb, said that he will include some information on this in his report. Ms. Flasch said that she will stay for the remainder of the meeting to hear the details.

DEPARTMENTAL REPORTS

Mayor Presgraves thanked all departments for their hard work over the past week with the storm clean-up. He noted a great job by all and expressed his appreciation for the long hours and hard work by employees.

POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES

Chief Page Campbell provided his report for Council members and advised that calls for service for June 2012 was 256. Total Arrests for June were 68; traffic was 43 and criminal was 25. Chief Campbell noted that domestics are on the rise, which he attributes to the economy and weather. A total of 36 domestic calls were received this quarter. Chief Campbell said that paperwork has been completed for the receipt of approximately \$4,000 in funds from the Department of Motor Vehicles.

Chief Campbell updated Council on the recent storm and addressed concerns regarding the response of emergency services. Chief Campbell stated that this was not a predicted storm and gave no time for preparations. In contrast, he noted that during winter storms there are many hours and even days notice to begin preparations for such events. The major issue for Luray was traffic control at Main/Broad streets. Several areas of town were without power until Sunday night or early Monday morning. He felt that overall the town was very fortunate in comparison to other areas. Chief Campbell advised that a cooling station was set up with about 50-60 participants due to the heat conditions. An overnight shelter was also set up at Stanley Elementary School. Chief Campbell explained that these shelters are set up by the Page County Emergency Services not by town police personnel.

Councilman Vickers asked about the town's ordinance regarding fireworks. Chief Campbell stated that the code is actually a State Code; however, officers try to be very tolerant of this over the holiday unless serious complaints are received.

Councilman Sours inquired about the underage alcohol possessions reported in the June arrests. Mr. Sours asked how this local youth are doing with this problem. Chief Campbell said that there is no shortage of problems with youth concerning alcohol and drugs, but overall the town is very fortunate.

PARKS AND RECREATION

Mayor Presgraves complimented the town's fireworks display for the July 4th festivities. Director of Parks and Recreation, Pat O'Brien reported that it has been a very busy month with the Crit Race, July 4th activities, and storm clean-up. Mr. O'Brien thanked Chief Campbell and Lynn Mathews for their departments work with all of the events and storm clean-up efforts. Mr. O'Brien asked if anyone had questions on his monthly report. Councilman Vickers questioned the frequency of vandalism. Mr. O'Brien said that this is basically a weekly issue and that the forms of vandalism change with each occurrence.

Mr. O'Brien said that plans continue for the Bicentennial Planter project. The plan before Council tonight is what staff would like to proceed with if Council approves. Mr. O'Brien said that Ms. Katie Sokol, project designer, is in attendance at this evenings meeting if members have additional questions. Mr. O'Brien said that after speaking with the property owners, the McConnell's, the project has been scaled down a bit due to the size allocation for the project. Some new additions to the project are LED up lighting, the incorporation of some bench seating on the top rail of the planter area, a small street light, and some associated signage. The overall size of the planter will be about 11 x 11 feet on the exterior. Mr. O'Brien said that with Council's approval the next step will be to survey the property.

In addition to this project, Mr. O'Brien said that there had been talk of a time capsule. The planter could be a potential site for the time capsule. Ms. Flasch said that she had hoped this would be a community effort and that suggestions for the time capsule could be received. She said that the suggestions would likely determine the size capsule needed. Another possible location for the time capsule could be the East End Monument. Mr. O'Brien said that time capsules are very expensive and would likely exceed \$1,000 for a small one.

Council members had several questions on the planter project. Councilwoman Menefee asked about possible grant funding. Mr. O'Brien said that he believes Mr. Ken Beyer, Luray Hawksbill Greenway Foundation, has about a \$2500 grant floating with the Department of Forestry; and Ms. Lewis also has about \$2500 in grant funding available. Councilman Vickers inquired about the type of tree that would be incorporated in the planter design. Mr. O'Brien discussed several options which are recommended by Ms. Sokol. He said that all of these trees have a maximum height of 25 feet or less. Councilman Lancaster asked if the tree will be planted in a vault so that it will become root bound. Mr. O'Brien said that staff can look into this. Councilman Lancaster stated that the tree roots at the PAL's center are causing problems with the brick walls. Council members agreed upon a dogwood tree for size and since it is in fact the state tree. Mayor Presgraves asked about the agreement for the property. Mr. O'Brien explained that the owners would provide an easement and perpetuity; likely the project will begin in the fall. Councilman Lancaster maintained that he would like for staff to price a vault for the

tree to contain the root system. Councilman Vickers inquired about the surface surrounding the tree. Ms. Sokol anticipates some ground cover and small perennials. Lastly, Councilman Meaney asked about specifics for a possible time capsule. Mr. O'Brien handed out a book that depicted sizes, etc. on time capsules.

Director of Parks and Recreation, Mr. O'Brien, stated that staff is planning to re-do the greenway maps. As council members and staff are aware, the greenway was completed in four phases. However, unless someone was directly involved in this process they would not be aware of the separate phases of the project. In an effort to make the trail more user friendly, staff plans to color code the trail. This would help to identify areas and also would be beneficial for police, fire, and rescue personnel to assist trail users. One option is to re-color the yellow dots into color coded sections such as all yellow, all green, etc. to identify each area. Another option is to recolor the center stripe on the trail into different colored areas. Mayor Presgraves stated that he liked the color coding idea. Mr. O'Brien said that the map is currently at Racey Engineering undergoing more work. Councilman Lancaster asked if this would replace the prior map as the dimensions were incorrect. Mr. O'Brien said that this would replace the prior map.

Mr. O'Brien discussed the recent tour given to the US Forest Service Office of Management and Budget representatives. Members met at the park and ride and were then given a tour of the Luray Hawksbill Greenway trail, followed by a luncheon and presentations at the Luray Depot. All members were very pleased with how funds have been spent in Luray.

Mr. O'Brien discussed charges for the forest service hauling water from Lake Arrowhead for the "Neighbor Mountain" fire. He felt this was a legitimate charge and the total funds received are \$2,000.

PUBLIC WORKS DEPARTMENT

Lynn Mathews, Director of Public Works, informed Council that the department repaired six water leaks and responded to seven sewer calls. The department also finished relocating the 10-inch sewer main on Yagers Road. Upcoming projects going on this month include brush pick-up, roadside clean-up, tree trimming, and changing banners. Mr. Mathews added that paving and patching continues on several roads. Other work includes cleaning storm drains, catch basins, and possibly sign replacements.

WTP AND WWTP

Charlie Hoke, Director of Utilities, told Council members that only minor glitches took place at the Wastewater Plant during the recent storm and were directly related to power surges. He said the main breakers have to be reset by hand requiring an operator to be called in. However, there were only two events during the storm and no service was lost. Mr. Hoke added that no issues were experienced at the Water Treatment Plant either. The Waste Water Treatment Plant is running as designed and is in compliance with all state and federal regulations.

Mr. Hoke reported that the Water Treatment Plant is running as designed and operating very nicely. Our groundwater study is progressing nicely with no problems and all distribution samples came back negative.

PLANNING & ZONING

Town Planner, Ligon Webb, reported that the Planning Commission will be meeting on Wednesday night for their July meeting and will have one public hearing. The hearing will be for the rezoning request for the storage shed construction by the town. The request is to rezone 1.18 acres zoned B1. The commission continues to work on the comprehensive plan and will need to bring new members up to speed at the upcoming meeting. Mr. Webb suggested maybe at the July work session he will bring the proposed plan before Council and possibly have a small scale community work session in September. Mr. Webb told Council members that the town was not awarded the TIGER Grant; two rural bridges did receive funding. Mr. Webb said that he still hasn't heard any feedback on another grant that has been applied for. He plans to make contact this week and find out any additional information available.

Regarding the East End Monument, work continues on the foundation. Mr. Webb says that the reconstruction of the main part of the foundation should begin any day now. Mr. Webb says that the entire project should be complete by the end of August. Mr. Webb is proposing to make the monument area more inviting and possibly a pocket park style area. Mr. Webb would like to obtain some renditions/designs of what the area could look like. He also suggested having a re-dedication on Heritage Festival weekend.

Mr. Webb thanked Council members for his nomination to the Economic Development Authority. Mr. Webb said some of the items of business include getting the committee up and running and working on a loan program. He said that so far he has enjoyed working on the committee and that there are good members on the board.

Mr. Webb discussed a total of seven zoning permits for the month with a value of \$182,650.

OLD BUSINESS

Town Rate and Fee Schedule

Town Manager, Rick Black, discussed the town rate and fee schedule and noted the only changes are the increases in water and sewer rates. Mr. Black felt this would be good information for Council to review.

NEW BUSINESS

Town Council Appointed Board and Commissions

Mr. Black reviewed the positions that need to be filled on various town appointed board and commissions. Mr. Black said that members are needed to fill the Planning Commission vacancies and also openings on the Tree and Beautification Committee. Mayor Presgraves nominated Ms. Pam Flasch to the Luray Planning Commission. Councilman Lancaster and Councilman Sours stated that they are still both working on their nominations. Councilman Meaney nominated Mr. Jerry Schiro to the Luray Planning Commission.

Motion: Councilman Vickers motioned to approve the nominations of Ms. Pam Flasch and Mr. Jerry Schiro to the Luray Planning Commission, motion seconded by Councilwoman Arrington with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Sours, Meaney.
Approved 6-0

Mr. Black also noted that two Board of Zoning Appeals terms have expired. Mr. Webb said that Mr. Larry Getz has indicated he will be willing to serve again. Ms. Flasch has indicated that she will not serve on the Board of Zoning Appeals. There are also openings on the Tree and Beautification Committee. Mr. O'Brien reminded that Ms. Nancy O'Brien is willing to serve again. Mayor Presgraves stated that between now and the work session on July 24th members will need to work on nominations for the Tree and Beautification Committee.

Mr. Black stated that the Industrial Development Authority has not met for more than 25 years. Mr. Black referred to Mr. Spitler on whether these terms need to be filled. Town Attorney, Jason Spitler, stated that he does not see a need to fill these appointments since the committee has not met for decades.

TOWN ATTORNEY'S REPORT

Town Seal

Town Attorney, Jason Spitler, stated the first item of business is related to the Town Seal and information from VML. He recalled that VML had put out a warning to localities regarding the use of the town seal. Mr. Spitler has researched the state code on the issue and the federal code. Mr. Spitler discussed copyright laws and other findings of his research. Mr. Spitler read aloud a proposed ordinance revision regarding the town seal. Mr. Spitler requested to draw up an ordinance as presented and provide for members at the next work session, or members could approve the language as discussed. He maintained that he is confident that nothing further will be found to give the town any additional authority. Mayor Presgraves requested a draft ordinance for Council's review.

Lake Arrowhead Deeds

Mr. Spitler discussed the Lake Arrowhead deeds and noted the need to address common boundary areas between the town and adjacent property owners. He noted the properties owned by the Miller's and the Preadable's and said that he has been working with town staff and Attorney Roger Smith. Mr. Smith has indicated that his clients are ready to move forward with one minor change in the names appearing on the deed. Mr. Spitler said that the change in name on the deed is fairly irrelevant as the boundary line area has already been determined. Mr. Spitler will proceed with advertising for the public hearing on this matter.

Holsinger Deed

Town Attorney, Jason Spitler, advised that Mr. Holsinger, on behalf of Holsinger Heritage Farm #1 LLC, is satisfied with the deed and is ready to proceed with the purchase. The Council will need to enact a resolution accepting the deed and authorizing the purchase of this property.

Motion: Councilwoman Menefee motioned to authorize the resolution accepting the deed and authorizing the purchase of this property, motion seconded by Councilwoman Arrington with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

Exceptions to Contracts and Purchasing

Town Attorney, Jason Spitler, discussed exceptions to contracts and purchasing. Council shall review this issue on an annual basis regarding the conflicts provision of the Virginia Code and Freedom of Information Act. As most council members are aware, this issue has been addressed previously regarding Councilman Lancaster. Mr. Lancaster is both a longstanding council member and the owner/operator of Lancaster Enterprises with which the town does business. The particular item of discussion is the purchase of goods by the town from Mr. Lancaster's business, as well as his bidding on contracts for the purchase of equipment by the town. Mr. Spitler said that the code concerning this matter is fairly complicated; but, essentially so long as the town council by resolution finds it is in the town's best interest to do business with Mr. Lancaster with certain restrictions are in place. Those restrictions include; competitive sealed bidding, and goods not in excess of \$10,000 per year. Mr. Spitler recommends that based on the towns needs and goods offered by Mr. Lancaster's business, it is within the town's best interest to continue a business relationship.

Motion: Councilman Arrington motioned to approve the Exceptions to Contracts and Purchasing, motion seconded by Councilman Meaney with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Sours, Meaney. ABSTAIN: Lancaster. **Approved 5-0**

Lastly, Mr. Spitler stated that both he and Mr. Black had spoken with Carolyn Perry and the closing for the VRA loan is on track and the town will receive substantial savings. The estimated closing date is August 2nd.

ADJOURN

Councilman Vickers said that he would like to encourage all members to go "paperless" with the agenda packets. There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 8:39 P.M.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer