

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

MONDAY, MARCH 14, 2011

The Luray Town Council met in regular session on Monday, March 14, 2011 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
Mary Broyles, Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Jason Spitler, Town Attorney
Ligon Webb, Town Planner
Lynn Mathews, Superintendent of Public Works
Chief Page Campbell, Luray Police Department
Pat O'Brien, Director of Parks and Recreation
Liz Lewis, Luray Downtown Initiative
Briana Campbell, Luray-Page County Chamber of Commerce
Shelby Hartman, UDC, Confederate Monuments
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. All present then recited the United States Pledge of Allegiance.

CONSENT AGENDA

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

Consent Agenda

- A) *Minutes of February 14, 2011 Regular Council Meeting.*
- B) *Minutes of February 22, 2011 Work Session.*
- C) *Financial Report for the period February 1 –28, 2011.*
- C) *Accounts payable checks totaling \$254,769.05*

PUBLIC HEARING

A) Proposed Real Estate Tax Rate Increase

Town Manager, Rick Black, read aloud the advertisement for public hearing for a proposed real estate tax rate increase. The proposed rate would be .24/100 versus the current rate of .22/100. Mr. Black advised Council that the reduction in assessment values for residential real estate will most likely result in an overall tax break for the majority of citizens. The increase in the tax rate will result in approximately \$88,000 in revenues. The overall loss in revenues from the reassessments will amount to about \$91,000. Mr. Black advised Council that the town cannot continue to give away this amount of money annually.

Councilwoman Menefee verified that this would not result in an out-of-pocket increase for the average home owner.

Mayor Presgraves opened the public hearing for comments.

Liz Lewis- 8 Cliffside Drive- Ms. Lewis stated that she has received some calls at LDI regarding the proposed rate increase. Ms. Lewis asked how this may affect downtown businesses.

Mayor Presgraves said that commercial property owners who have had a significant increase in their assessment may appeal to the board of equalization. Councilman Schiro said that some commercial owners may have performed a great deal of renovations since the previous assessment and must also take this into consideration.

Councilwoman Menefee explained the history of the town's real estate rates and how they have been raised and lowered based on assessments. Councilman Schiro reminded that in 2006 and 2007 the Council reduced the real estate tax rate and has held its operational costs over the last four years. He reminded that when economic times have been good; rates have been reduced in order to not recover excess revenues. Mr. Schiro also said that the town plans to still offer its same services to citizens.

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

Councilman Vickers asked if Page County has made a determination on their tax rate. Mayor Presgraves advised that this had not been determined. Mr. Vickers said that he feels Council has no choice on this matter because the town must maintain its level of services to the citizens. Mr. Vickers recognized that this was his first budget process as a new Council member; but stressed that he did not want to see any services cut. Councilman Schiro agreed that the popular vote would be to not increase taxes; however the town is not seeking to generate extra revenue. He reminded that the town will have

to live with this rate for several years and must equalize revenues this year in order to avoid deeper financial problems in the future. Mayor Presgraves reminded that the town may still experience a shortfall depending upon the board of equalization results. Councilman Racer disagreed and advised that if the town does not have the money they should not spend it. He said that some cuts must be made in the budget. Councilman Arrington stated that it would be a disservice to citizens to have to cut \$88,000 in services.

Motion: Councilman Arrington motioned to approve the tax rate increase from .22/100 to .24/100 as discussed, motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

GENERAL CITIZEN COMMENT

Shelby Hartman: UDC, Confederate Monuments-1645 Stroll Farm Road, Shenandoah, VA

Ms. Hartman spoke to Council about the confederate monuments in the town. She said that they are in very bad shape and needing repairs. Ms. Hartman spoke on behalf of the Daughters of the Confederacy group and asked that Council please earmark funds to repair these monuments. She advised Council that her group would appreciate anything that Council could do to facilitate these repairs.

Town Planner, Ligon Webb, said that he has contacted a firm in Harrisonburg and that they are planning to come take a look at the monuments. He stated that these monuments are made of marble and this does make them more expensive to repair. Mr. Webb said that the firm hopes to find local craftsman to work on the monuments. Mr. Webb said that he hopes the estimates from this firm will be lower than in prior years.

Town Manager, Rick Black, stated that town staff will be working with consultant Mary K. Earhart, CPA, to develop a capital improvement budget for projects like this. He said that working with Ms. Earhart on this should result in a capital budget that will not be frowned upon by the town's audit firm.

Liz Lewis, Luray Downtown Initiative, asked if any grants were available for monument repairs. Mr. Webb advised that he has researched these options and that none seem to meet the criteria for what the town needs. Pat O'Brien, Director of Parks and Recreation, stated that he has been researching this matter for many years but nothing has been available.

Mayor Presgraves concluded the discussion by stating that Council would make a good faith effort to work on this project.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Liz Lewis stated that LDI is working on placing Festival of Spring fliers in all businesses. She said that they are also looking for volunteers who want to help with the event. Ms. Lewis said that the first Merchants Meeting has been held, but lacked in participation due to icy weather. She said that a billboard space on US Highway 211 was proposed at this meeting. The proposed billboard would have

to be leased from an existing billboard and would be a collaborative effort with the town and chamber. The concept would be to advertise downtown and to attract visitors into the downtown area. Ms. Lewis said the next merchant meeting will be held on March 29th. Ms. Lewis stated that LDI is utilizing free advertising via Facebook and the Virginia Tourism Website. She advised Council and staff that the new rack cards have been printed and provided copies for all Council members. Ms. Lewis said that her upcoming projects include distributing the rack cards, working on an electronic newsletter, water bill inserts, and reworking the LDI website. Ms. Lewis said that the annual flower baskets will be planted by town staff this year in an effort to save money and that volunteers are needed.

Councilman Vickers asked how many downtown businesses are currently vacant. Ms. Lewis said that there are about five vacant store fronts within the downtown area.

Luray/Page County Chamber of Commerce

Ms. Briana Campbell reviewed the statistics for February; citing 354 local calls and 238 walk-ins. She said that there were 333 tourist walk-ins which was a 91% increase over last year. She advised that last year's heavy snowfall in February kept walk-ins very low for that month.

Ms. Campbell said that the Business after Hours for this Thursday will be held at BB&T Bank. She advised Council that the Tourism Kick-off held last week was a huge success! She was very pleased to have the Lieutenant Governor in attendance and noted that he stayed for the entire event. She told Council that the feedback from the event has been very good and that the event was highly successful.

Ms. Campbell introduced the "Page County Grown" initiative/concept. She said that the purpose of the initiative is to promote local family farms and their products. A logo has been developed and she hopes to see this logo on products at the Festival of Spring. Councilman Vickers asked about the qualifications for the initiative. Ms. Campbell replied that the qualifications are very specific for the farm products. She told Council and staff members that the overall concept was modeled after a community in North Carolina who started the same project.

DEPARTMENTAL REPORTS

POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES

Police Chief, Page Campbell, reported 34 traffic and 37 criminal arrests for the month of February. He advised that the full departmental report was available in the Council packets.

PARKS AND RECREATION

Director of Parks and Recreation, Pat O'Brien, stated that he is applying for another grant for a proposed trailside restroom at the Ruffner Plaza. He advised that this is a land and water grant that is funded 80/20 and is one that the town has not applied for in the past. He noted that the only requirement for the grant is that the Greenway continues to be for public recreational usage. Mr. O'Brien said that it is prudent that he advise Council of this requirement and obtain their approval. Town Manager, Rick Black, said that a Council resolution on the matter would be appropriate.

Mr. O'Brien told Council that the Project Softball facilities have now been inventoried and tagged. He said that seasonal opening and closing checklists have also been prepared.

Lastly, Mr. O'Brien told Council that the town has again received the Tree City USA and Growth Awards.

Councilman Vickers asked Mr. O'Brien why some trees had been cut down on the Greenway, as he has received complaints on this. Mr. O'Brien explained that there are different philosophies on to what extent the Greenway should be manicured. Councilman Lancaster said that many trees have been planted but that some trees are "trash trees" and must be eliminated. Mr. O'Brien said that the new trees are valid plantings.

PUBLIC WORKS DEPARTMENT

Lynn Mathews, Superintendent of Public Works, said that the department repaired four water leaks this month and had responded to eight sewer calls. The department made one water tap on South Deford Avenue. Upcoming projects for the department include bridge clean-up, roadside clean-up, storm drainage work, sign consolidation, preparing mowing equipment, and displaying spring banners.

Councilman Vickers said that he has received a request for a crosswalk in front of the post office. Council members said that they had been over this issue before. Councilman Lancaster said that there is not enough site distance to provide a crosswalk at the entrance to the post office. Council and staff reminded that there is a crosswalk in front of the depot.

WTP AND WWTP

Town Manager, Rick Black, said that the water system is working well and that all samples are in compliance. Mr. Black said that the town had its first inspection of the water tank and had no reports of any issues. He said that after 25 years of operation there was little sediment in the tank and that it was in excellent condition.

Mr. Black said that the wastewater plant was in full compliance and that the system had no violations, despite heavy amounts of rainfall.

PLANNING

Mr. Webb advised that the Planning Commission has two public hearings coming up. The first is for Page One to operate a food pantry in the Showalter Signs building. He said that the owner of the building will be installing a fire wall and must meet all requirements set forth by the Page County Building Official. The second public hearing is for Page Memorial Hospital's rezoning from an R-3 district to a B-1 district. Mr. Webb said that discussions continue regarding road improvements to Memorial Drive. He advised that the hospital has offered a proffer letter that seems to be a very good offer. He said that the hospital's engineer has studied this matter and has good information from a traffic study.

Mr. Webb recalled the previous discussion regarding garden apartments and the developer's request that was discussed at the work session. Mr. Webb advised Council that the developer has withdrawn their application. The market study conducted by the developer advised that there were not enough middle income people to justify this project. Mr. Webb said that Council may still want to introduce different terms for apartment complexes for the town code.

Councilman Vickers inquired about the mobile home proposal on South Antioch Road just outside town limits. Mr. Webb advised that this degree of development would necessitate a great deal of road improvements. He told Council members that this is a by-right use of the property.

OLD BUSINESS

State Police Monopole

Mr. Black reminded Council of the request received about a month ago for the state police monopole. He recently met with a representative from the Virginia State Police and they explained the need for this tower. Mr. Black, Councilman Schiro, and Mr. Jon Graves all met at the site and determined that there would be no significant impact for Luray Caverns or surrounding businesses and residences. Mr. Black advised that he will be writing a letter of endorsement for the project.

Luray Tree and Beautification Committee

Mayor Presgraves advised that there is still a vacancy on the Tree and Beautification Committee.

Motion: Councilman Arrington motioned to appoint Layne Vickers to the Luray Tree and Beautification Committee, motion seconded by Councilwoman Menefee with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

NEW BUSINESS

Credit Card Fees

Town Manager, Rick Black, discussed the credit card fee structure. He reminded that the Town cannot charge a fee on utility payments. He stated that Page County is currently charging a 2.5% fee on tax payments which seems to cover their costs incurred for the service. Mr. Black said that he would like to be consistent with these fees and follow the same structure.

TOWN ATTORNEY'S REPORT

Town Attorney, Jason Spitler, said that he would need a motion to approve the memo of understanding concerning the naming rights for Field #4 (Project Softball) to the Mauck family. Town Manager, Rick Black, said that he wants to add some language that will explain what is already in existence. Mr. Spitler said that he can make this change and bring back before Council or have this approved contingent upon the requested changes. Mayor Presgraves said that Council and Staff need to discuss a letter that was just received from the Mauck family and then bring this to a vote at a later meeting.

Mr. Spitler reminded Council that at the last meeting an ordinance was adopted requiring anyone operating a moped to utilize various safety equipment. When Mr. Spitler prepared the ordinance he erroneously referred to the Commissioner of the Department of Motor Vehicles. The ordinance should have referred to the Superintendent of the Virginia State Police as the person responsible for making safety standards. **Motion:** Councilman Racer motioned to approve the ordinance revision as discussed, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

EXECUTIVE SESSION

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

(Lake Arrowhead & Tannery Surveys)

Legal Consultation, Section 2.2-3711.A.7

(Fielder's Choice Inc.)

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.7. **REASONS:** 1) Lake Arrowhead and Tannery Surveys; 2) Fielder's Choice Inc.

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

Motion: Councilman Lancaster motioned to adjourn the closed session and to reconvene in open session; Councilman Schiro 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 only matters covered under Section 2.2-3711.A.6 and Section 2.2-3711.A.7 were heard, discussed, or considered during the closed session. **The roll was called with all members certifying "Yes".**

ANNOUNCEMENTS/ ADJOURN

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 9:09 P.M.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer