

**MINUTES OF A TOWN COUNCIL WORK SESSION  
TOWN OF LURAY, VIRGINIA  
Tuesday, January 29, 2013**

The Luray Town Council met in a work session on Tuesday, January 29, 2013 at 5:30 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  
Leroy Lancaster  
Joey Sours  
John Meaney**

**Council Absent: Lonnie Arrington  
Mary Menefee**

**Also Present: Jerry Schiro, Interim Town Manager  
Bryan Chrisman, Assistant Town Manager  
Mary Broyles, Town Clerk/Treasurer  
Danielle Babb, Deputy Clerk Treasurer  
Ligon Webb, Town Planner  
Jason Spitler, Town Attorney  
Rodger Smith, Legal Counsel  
Ken Beyer, Luray Tree and Beautification Committee  
John Shaffer, Luray Caverns Corporation  
Dennis Shenk, Luray Little League President/ Luray L.L. Board Members  
Page News and Courier**

The meeting was called to order by Mayor Barry Presgraves and everyone recited the Pledge of Allegiance to the flag. The roll was called with two council members absent. Mayor Presgraves requested to add Mr. Ken Beyer to the agenda for the evening.

**EXECUTIVE SESSION**

**Legal Matters, Section 2.2-3711.A.7 – Probable Litigation  
Personnel, Section 2.2-3711.A.1 – Candidates for Employment-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; Councilman Meaney seconded the motion with the following members voting YEA: Council Members Vickers, Lancaster, Sours, Meaney. **Approved 4-0**

**Motion:** Councilman Lancaster motioned to adjourn the closed session and to reconvene in open session; Councilman Vickers seconded the motion with the following members voting YEA: Council Members Vickers, Lancaster, Sours, Meaney. **Approved 4-0**

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 Planner’s Report**

Town Planner, Ligon Webb, announced that the Planning Commission has two public hearings for February. Mr. Webb has provided a copy of the advertisements for both. The first is for a request from Danny Chu to rezone ½ acre from R3 to B1. Mr. Chu would like to convert his existing car wash into mini-storage units; with the first step in the process being the rezoning. The second request is from Mr. James Dovel for an addition to an existing structure to be utilized as a storage warehouse.

Mr. Webb updated Council members on the North Broad Street Pedestrian Corridor Improvements. He stated that Racey Engineering has completed the survey work and forwarded on to the Town Attorney. Mr. Spitler said that he will be completing the deeds of easement and he will bring the final documents back at the February 11<sup>th</sup> meeting.

Mr. Webb stated that a great deal of progress has been made in regards to planning for the Main Street Bridge Improvements. Recently a conference call was held with the Federal Highway Administration and staff attended a meeting earlier today with VDOT. The consensus of these meetings has been to self administer the project through VDOT. Mr. Webb said that working with the federal government is an option; however, there are advantages to working through VDOT. Mr. Webb said that the request to self administer will be submitted by Racey Engineering within the next week. Interim Town Manager, Jerry Schiro, stated that it may be a bit faster working directly with the federal government on this. However, the town would run the risk of incurring the cost of any overages on the project rather than having other resources available. Mr. Webb stated that the grant funds will need to be obligated by September 2015, and expended by September 2019. He hopes the project will be completed by September 2015.

Councilman Lancaster stated that he has received several phone calls over the last few weeks from concerned citizens. Their concerns involve the closure of the East Branch office of Blue Ridge Bank forcing patrons to rely solely on the Main Office. Councilman Lancaster would like to see the branch office closure be reconsidered until after the bridge work is completed. Mr. Webb said that the next phase of planning will be to determine the process and try to work with all businesses in the project area. Mr. Schiro said that the town is sensitive to the fact that business owners will be affected, but the nature of the project will have an impact due to equipment staging and traffic control. He said that there will still be inconveniences and early planning will need to take place on the part the town and business owners.

Town Planner, Ligon Webb, has updated the boards and commissions portions of the web site. He noted that there are two current vacancies; one vacancy on the Board of Zoning Appeals and one Planning Commission Member is still needed.

Councilman Lancaster discussed nearby businesses and signage and suggested reviewing each business and verifying compliance with the sign ordinance. Interim Manager, Jerry Schiro, said that this is an item that can be reviewed by the Town Planner.

### **Town Motto**

Mayor Presgraves stated that he has invited Ken Beyer and Jon Shaffer both to attend the meeting this evening. He said that currently the town is using the logo “Where the Caverns Meet the Sky”. Mayor Presgraves said that citizens understand what this means, but visitors may have no idea what the logo is about. Mayor Presgraves said that he has invited Mr. Beyer and Mr. Shaffer here this evening to begin some discussion on how we can come up with a new logo.

### **Ken Beyer- Luray Hawksbill Greenway Foundation**

Mr. Beyer opened the discussion by stating that he feels we should first go to the town’s Tree and Beautification Committee. Mr. Beyer has previously served on the committee for ten years. He stated that last November, Mayor Presgraves mentioned to him that neither the Town nor the caverns representatives were particularly pleased with the motto. Mr. Beyer responded to this with a letter stating the he also was displeased with the slogan. Mr. Beyer recalled that some years ago members of Frazier and Associates toured Luray and pointed out that the town’s signage was inconsistent. At that time the suggestion was made to have a company who specialized in branding come visit and work on the new design. This led to the development of the new signage and discussion began of a town motto. He recalled that the suggestion was made to use something “like” .... “Where the Caverns Meet the Sky”. Mr. Beyer recalled that this was a suggestion and the town adopted the motto without giving it further thought. He feels that this motto lacks any reference to the “people” of Luray and suggests starting over to develop a new logo. He suggested incorporating the Bicentennial and doing this ourselves without the use of consultants. He emphasized starting with the town’s Tree and Beautification Committee and then incorporating other groups such as LDI, the Chamber, etc. Mr. Beyer suggested conducting some research, doing interviews, and finding a motto that describes our town.

Mayor Presgraves said that he has also invited Mr. John Shaffer of Luray Caverns Corporation to speak on this issue. He feels that the town relies heavily on tourism and that it is important to involve them in this process. Council members all agreed that a better logo could be achieved.

### **John Shaffer- Luray Caverns Corporation**

Mr. Shaffer spoke on behalf of the Luray Caverns Corporation and said he couldn’t agree more with the need for a new motto. He said that he feels Luray is set apart from other communities by its world renowned natural landmark, a national park, and the Shenandoah River. Mr. Shaffer expressed that he feels this is a project worth hiring an agency to work on a new motto. He recognizes that this is a process that will take some time and should include all stakeholders. He also discussed “National Park Community” designations and how this can benefit Luray as well. Mr. Shaffer said that this is a project worthy of spending a few thousand dollars to hire a professional to offer some opinions and provide some samples. Overall, Mr. Shaffer concluded his comments by stating that we could do so much more with a motto that is more regional and appreciates the opportunity to comment on this.

Council and staff discussed how to proceed on this and how to combine both concepts. Interim Manager, Jerry Schiro, said that this could be assigned to the Tree and Beautification Committee with the help of some professional assistance. Mr. Shaffer said that he would be willing to discuss this with an advertising agency and find out an estimated cost. Councilman Lancaster asked Mr. Shaffer to contact the advertising agency to obtain a price. Mr. Lancaster said that in the meantime the Tree and Beautification

Committee could work on this also. Mr. Shaffer said that he would speak with his contact and get back to Mr. Schiro and Council on his findings.

### **Update on Luray Little League**

Interim Town Manager, Jerry Schiro, said that his intent was to update Council members on the discussions with the league regarding the operation of the concession stand. He said that a draft agreement was received back in November from Chris Marston who was the Treasurer of the league at that time. Mr. Schiro explained that he responded to this letter with some comments. In December, a meeting was held at town hall to discuss some points on the issue and this resulted in a letter dated January 7<sup>th</sup>. The letter of January 7<sup>th</sup> describes what the league has in mind for operations and is signed by all members of the board. Mr. Schiro said that there are a few things that need to be addressed: 1) if the league is going to operate the concession stands, then they should obtain the Health Department permits required, 2) volunteers should meet the training requirements for food operations, 3) the league will need to abide by the operational check list provided by town staff, 4) town staff will make routine inspections to insure the stand is being maintained properly, 5) any banners, flyers, and other marketing will need to be approved by the town, 6) concessions cannot be outsourced in any way, 7) any additional equipment that is added to the kitchen must be approved by the town, and 8) at the end of the season, the Luray Little League will propose a contribution to the Town that would sustain the operation of the facility or the purchase of equipment. Mr. Schiro explained that initially staff and Council had considered charging some sort of fee for the concessions stands; however, this board of directors is very anxious to work and establish a good relationship with the town. He said that charging a fee at this point, may or may not be necessary and is ultimately up to the Town Council. He further explained that at the end of the year, the board may make some sort of monetary contribution toward the facility for the purchase of equipment or some form of reinvestment into the facility. Mr. Schiro stated that this would not need to be a set amount and would be an effort in sustaining the overall program.

### **Dennis Shenk – Luray Little League**

Mr. Shenk, Luray Little League President, spoke during the meeting. He asked about the training required for volunteers. Mr. Schiro advised Mr. Shenk that he would need to work with Mr. Dovel at the Page County Health Department to determine the necessary training required by the health department. Mr. Shenk said that the league intends to use mainly Fields 4 and 5, thus using the main concession stand for cooking purposes with the Field 1 stand used less frequently.

Mayor Presgraves stated that the community and the league are the beneficiaries of this facility. He said that he feels this season is off to a good start. Mayor Presgraves said that he wants to see a contract that is not too restrictive, but does want to ensure that we comply with all health regulations. Councilman Vickers stated that he has been here during some worse times and feels that a contract needs to be in place. However, he does not want to see the town charge any fees to the league but rather the league make a contribution if able. Mr. Vickers emphasized that the town puts a great deal of money into the electricity, maintenance, and infrastructure of the park; but, the town does so for the enjoyment of the public. Councilman Vickers also requested that the stands be open during all games for the benefit of attendees. Councilman Sours requested that the agreement provide for some liability in the event of property damages. Town Attorney, Jason Spitler, reflected on an original agreement that was previously created for the use of the concession stand. Mr. Spitler stated that it seems the issue was not the terms of operations, but rather with the amount of compensation or fee. Mr. Spitler suggested revising this document and incorporating the suggestions from Mr. Schiro.

Mr. Shenk said that Chris Marston has resigned from his position. He told Council and staff that his wife, Tammy Shenk, will be running the concessions and Mr. Larry Seekford will be the league's Treasurer. Mr. Shenk requested that a draft copy of the agreement be forwarded to him for the boards review at their meeting on Thursday. Mr. Spitler agreed to revise the agreement and send to both Town Staff and the league for review.

### **Meals and Lodging Tax Ordinance Changes**

Town Attorney, Jason Spitler, discussed the proposed amendments to the town's ordinances for meals and lodging taxes. Mr. Spitler stated that the tax rate will need to be determined by Council. He said that other localities are similar at either 3% or 4%. Mr. Spitler said that this may be determined now or during the budget process, whichever Council prefers. Interim Town Manager, Jerry Schiro, suggested considering this rate during the budget process.

Mr. Spitler addressed the subject of penalties and interest, stating that currently some inconsistencies exist between the meals tax and lodging tax. He feels that both taxes should be addressing penalties and interest in the same manner. Mr. Spitler advised that the State Code mandates that certain categories of exemptions be in place. The four main categories of exemptions mandated are for certain gratuities, certain vendors, specific purchasers, and for home consumption. Mr. Spitler advised that there are only a few discretionary areas; one of which is for non-profit groups. The state code only mandates that non-profits be provided with three exemptions per year. However, he stated that the town has always been supportive of local non-profits and would likely provide this exemption to such groups regardless of the number of fundraisers held annually.

Mr. Spitler explained that much of the ordinance describes the collection, reporting, and payment of such taxes. He stated that the collection of the tax is the same for meals or lodging and the amount of tax is always due at the time of service. Mr. Spitler discussed the requirements for record keeping and determined a period of five years suitable for both meals and lodging taxes. As well, reporting by the 20<sup>th</sup> of the month would be consistent for both.

Mr. Spitler continued to review the penalties and enforcement portion of the ordinance. Enforcement shall be imposed for failure to collect, report, or pay such tax. Mr. Spitler explained that the failure to do any of the three will result in a Class 1 Misdemeanor, except that if the amount of the tax is less than \$1000 dollars, the conviction is a Class 3 Misdemeanor. Mr. Spitler stated that the town staff goes to great lengths to collect the tax before instituting any criminal penalty.

Town Attorney, Jason Spitler, stated that he will bring this back before Council at the February meeting. At this time, Council may approve the ordinance amendments or hold off until the budget process in order to set the tax rate.

Mr. Spitler added that he and Mr. Schiro, along with the Mayor, will be meeting with Mr. Eddie Smith on Thursday to discuss the proposed developer's agreement for Page Community Developments.

### **RFP's for Capital Expenditures**

Interim Town Manager, Jerry Schiro, stated that there were three items in the existing budget as a part of the CIP Program. He advised that the Assistant Town Manager, Bryan Chrisman, has sent out some RFP's for these items. The first of the three items is a pickup truck for the public works department, the second item is for new overhead doors for the town shop on North Bank Street, and the last item is the

insulation of the doors for the town shop. Mr. Schiro has included the RFP's for Council's review but is recommending that this spending be deferred until later in the budget year. Mr. Schiro said that it may be best to evaluate this spending later and decide if it is prudent to appropriate these funds. Council members discussed the three items that were included in these RFP's and agreed to defer spending on them at this time.

### **Update on Time Capsule**

Councilman Ron Vickers updated fellow Council members on the time capsule progress and noted a great deal of excitement about the project. He said that the newspaper has stated a deadline of next Thursday but realized that in all practicality the time capsule will likely not be buried until mid February. Mr. Vickers recommended a small group of individuals make the determination on items included in the capsule. He suggested including Ms. Pam Flasch and a staff member in this group. Councilman Vickers thanked Councilman Lancaster for researching the type of time capsule that will be needed and would like authorization to purchase a capsule that will last. Mr. Vickers discussed the types of items that can be included and requested to extend the submission deadline until mid-February. He emphasized that he would like for all organizations and individuals who want to submit items to have the opportunity to do so.

Mr. Schiro noted that the pavers at the Bicentennial Planter will be pulled up and reset. Councilman Lancaster explained that the slope of the pavers is a problem and could become a safety hazard. Mr. Schiro and Council discussed the information from the arborist on selecting a tree for the planter. Councilman Lancaster suggested going ahead with the dogwood tree as planned and if it doesn't work out then it can be replaced later. Council members all agreed to proceed with the dogwood tree for the planter.

### **Mid-Year Budget Review FY 2012-2013/ Draft Budget Schedule FY 2013-14**

Mr. Schiro provided Council with a summary of year-to-date revenues and expenditures. Mr. Schiro reviewed the revenues at mid-year and reminded that some of the funds are grant related. Mr. Schiro stated that he believes that tax revenues were over budgeted as well as a few other areas. He said some of these areas do fund operational expenses and will affect the bottom line at year end. Other areas of concern are utility user fees, which also appear to be over estimated. Mr. Schiro said that this will cause operational shortages that will likely lead to budget adjustments and transferring funds from reserves at year end. He added that in the interim we will need to monitor spending. Mr. Schiro said that on a good note, most departmental spending remains under budget in terms of expenditures. Mr. Schiro said that he is projecting overall spending in the general fund to be under budget, as well as the water and sewer funds. He reminded that many costs are operational and can't be controlled. Mr. Schiro summarized by stating that the intent of this review is to now begin to build the budget for next year and move forward into the budget planning cycle. Town staff is working on a new format for the budget process to include two years of historical information combined with current projections.

Interim Town Manager, Jerry Schiro, provided a proposed budget schedule for Fiscal Year 2013-2014 planning. He stated that this will outline the process that will need to be followed for the remainder of the fiscal year and sets some preliminary deadlines for public hearings. Overall, the budget must be presented by April and adopted by June 30<sup>th</sup>.

### **Chamber Proposal for Community Sale & Expo (Ralph Dean Park)**

Mr. Schiro presented a request from the Luray Page County Chamber of Commerce to use the Ralph Dean Recreation Park for a Community Sale and Expo. The request is for a community yard sale and business promotional event. Mr. Schiro said that historically the park has been only a place for recreation and fees have not been charged to hold events or for admission. Council members concurred that this is not the most appropriate place for this event. Members suggested other locations that may have better visibility and traffic access. Mr. Schiro said that he will notify the chamber of Council's decision.

### **Changes to the Agenda**

Councilman Lancaster requested to discuss the crosswalk in front of town hall. He said that Mr. Schiro has suggested that once the Bicentennial Planter is completed it may be a good idea to move the crosswalk to this location. Councilman Lancaster agreed that this is a good idea and will provide more parking spaces in front of town hall. He feels this is a great idea to improve parking on Main Street. Councilman Lancaster said that he would like to suggest taking a look at the alleyway between the town hall and the building next-door owned by Bob Falter. He would like to see the alleyway closed completely and add another parking space. He stated that half of this alleyway does belong to the town.

### **Announcements**

Mayor Presgraves stated that he had one announcement for the evening. He advised that he has provided a copy of a letter to all members from Councilman Lonnie Arrington. Mayor Presgraves read the letter aloud which stated as follows: *"...please accept this as my letter of resignation from the Luray Town Council, effective immediately, due to very progressive health problems. God bless you, the rest of our town council members, every employee and everyone associated with the operations of the Town of Luray."*

Mayor Presgraves advised that this will leave a council seat open and members should consider this. Councilman Vickers stated that he would like to see fellow members honor Councilman Arrington for his many years of service.

Mayor Presgraves also reminded that funds have been appropriated for the Bicentennial celebration and said that there will be funds expended this year to finish the planter project. He would also like to see the town compensate Ms. Flasch for her service to the Bicentennial Committee. Councilman Vickers stated that he was in favor of an honorarium. Council members discussed several options and agreed to come back to the issue.

### **Adjourn**

There being no further business, Mayor Presgraves adjourned the work session of the Town Council at approximately 8:25 pm.

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Barry Presgraves  
Mayor

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Danielle P. Babb  
Deputy Clerk-Treasurer