

**MINUTES OF A TOWN COUNCIL WORK SESSION
TOWN OF LURAY, VIRGINIA
Tuesday, April 24, 2012**

The Luray Town Council met in a work session on Tuesday, April 24, 2012 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
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
Joey Sours, Luray Planning Commission
John Meaney, Luray Planning Commission**

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 all members present.

Changes or Additions to the Agenda

Town Manager, Rick Black, requested to add discussion regarding VDOT and the East Luray Heroes' Monument.

Public Hearing Advertisements

Proposed Grant for Luray Caverns

Town Manager, Rick Black, advised Council members that at the May 14th meeting there will be two public hearings regarding the Luray Caverns Airport. The first hearing will be for the purchase of the Cora Lee Frymyer property located at the south end of the airport runway. The second hearing will be concerning the Runway Rehabilitation Project. Mr. Black explained that the first phase of the project will be for the initial planning with the construction not likely until next fiscal year.

Proposed FY July 1, 2012 – June 30, 2013 Budget

Mr. Black provided the advertisement for the FY 2012-2013 Budget and noted a balanced budget with no tax increases. Mr. Black stated that the advertisement will appear in the May 3rd edition of the Page News and Courier and a public hearing is scheduled for the May 14th Regular Council Meeting. Mr. Black said that action will not be taken on the budget until June.

Personal Property Tax Relief Resolution

Town Manager, Rick Black, advised Council members that the Personal Property Tax Relief Resolution will be an action item for the May 14th Council Meeting. The town will again offer 100% in tax relief to the first \$20,000 of value for each personal use vehicle owned by town citizens. Council and staff discussed how these values are determined. Staff explained that the total allocation given from the state must be expended; therefore allowing for 100% relief on the first \$20,000 of value in order to achieve this requirement.

VRS Update

Town Manager, Rick Black, explained that the proposed budget for FY 2012-2013 is based on a 5% employee contribution. Mr. Black said that a phase-in program may be offered; if so the difference between the 5% employee contribution and the phase in plan would only accumulate to about \$5,912.69. Mr. Black explained that there will be various plans depending upon an employee's hire date that must be administered by the town by the year 2014.

Virginia Resources Authority Refunding

Mr. Black stated that he has been contacted by VRA regarding the "refunding" of some of the town's debt service. Mr. Black said that overall savings to the town could amount to approximately \$200,000; with about \$12,000 in savings achieved annually. Mr. Black said that the town would be responsible for the costs incurred from bond counsel. Mr. Black explained that this is basically a 'refinancing' initiated by VRA.

Yellow Cab of the Shenandoah- Proposed Rate Increase

Town Manager, Rick Black, said that he had been contacted by the cab company about a proposed rate increase. Mr. Black said that he has received no further information on any rate increases and no one is present this evening on behalf of the company.

Luray Landing Boundary Line Adjustment

Mr. Black advised members that last year at this time, the Page Community Developments LLC approached the town and Page County about a friendly boundary line adjustment. The proposed boundary line adjustment is for the property located near the airport. Mr. Black said that it makes the most sense for the developer to deal with one entity for the approval process of the project. The contingency created by the town was that the developer allows the closing of the purchase of property that would allow the relocation of airport road. This contingency has been satisfied and the developer would like to move forward with the boundary line adjustment. Mr. Black explained that any costs incurred will be the responsibility of the developer. Councilwoman Menefee asked about the total size of the property that is involved in the boundary line adjustment. Mr. Black said that the area is approximately 11 acres

with 28 potential lots. Town Attorney, Jason Spitler, agreed that it is in the best interest of the developer to only deal with one governing body in the processes of zoning, subdividing, etc.

Town Attorney, Jason Spitler, said that while on the subject of boundary line adjustments he would like to make a note on the agreement regarding the Ralph H. Dean Recreation Park. Mr. Spitler advised Council members that he has received a copy of Page County's advertisement for the public hearing that will be published in the May 3rd and May 10th editions of the local newspaper. A vote should take place at the May 15th Board of Supervisors meeting. Mr. Spitler said that all indications lead to the approval of the agreement.

VDOT

Town Manager, Rick Black, updated members on the potential improvements to West Main Street. Mr. Black said that a meeting was held this morning about the possibility of completing this project through the local administrative program. This would allow the town to work with VDOT on these improvements and likely complete the project for less than the proposed \$2.2 million cost that is deemed for the project according to the Six Year Improvement Plan. Mr. Black said that currently \$1.5 million is available for the local program and he feels confident that the project could be completed for less than this amount, as well as being a faster means of accomplishing the project. Mr. Black said that he plans to provide more information to Council at the May 14th regular meeting. Mr. Black said that he will then ask Council to decide if they would like to proceed with the project through the locally administered program or to continue with the program in the six year improvement plan. Mr. Black said he feels it is in the town's best interest to do a locally administered project and does not think it is outside the scope of this office to complete. Councilman Racer asked about the details of the locally administered plan. Mr. Black said that the project would follow a similar format of the depot project and that all items would be approved by VDOT. Mr. Black said that he feels if the project is administered locally; construction could possibly begin in the spring of 2013.

Town Manager, Rick Black, advised Council members that the Main Street Bridge did not make the list for the VDOT Six Year Improvement Plan. Mr. Black said that there are over eighty bridge projects listed on the plan; however the Main Street Bridge is not one of them. Mr. Black said it would be in the town's best interest to contact the town's commonwealth transportation board member and express its concerns. Councilman Racer reminded that VDOT has downgraded the bridge's rating yet did not include the project in their improvement plan listing. Mr. Black continued that the town should contact their government representatives to express this dissatisfaction.

East Luray Heroes' Monument

Town Manager, Rick Black, discussed the East Luray Heroes' Monument in regards to the planned rehabilitation. Mr. Black said that Scott McKee of Sculpture in Architecture had planned to begin work next week. However, Mr. McKee has retracted his bid based on his current inability to obtain a performance bond for the project.

Mr. Black stated that he has referenced other bids that were received and has been in contact with Standard Restoration and Waterproofing Company. Mr. Black said that Standard Restoration was the company that was hired in 2004 by the Town of Luray to evaluate both of the town's monuments. Mr. Black said that this company is very interested in the project and that they are maintaining their initial bid amount from last year.

Mr. Black would like Council's direction on how members would like to proceed. He would like to know if Council members would like to move forward with negotiations with Standard Restoration and to see if the company can meet the town's time constraints. Mayor Presgraves asked if this company would be able to secure a bond for the project. Mr. Black confirmed that this company is able to obtain the necessary bond. Councilman Schiro questioned if this firm would also be willing to complete the work locally. Mr. Black said that Standard Restoration would complete the restoration locally. Mr. Black added that he would like to make the time frame part of the contract to ensure that the project is completed in 2012. Mayor Presgraves inquired about the difference in cost between the two contractors. Mr. Black responded that the cost difference was only about \$2,000 between the two proposals.

Town Planner, Ligon Webb, said that he still thinks that it may take some time for Standard Restoration to line up its sub-contractors. Mr. Black maintained that the company has already spoken with those contractors. Mayor Presgraves asked if this contractor has references available. Mr. Black said that the company did work for the town in 2004 and that he has a list of other monuments that have been completed by this sculptor. Mayor Presgraves and Councilman Schiro confirmed with Mr. Black that this sculptor did visit the monument before last year's bid. Council members all expressed concern over the proposed timeline and being able to have the project completed before the end of the year.

Councilman Lancaster asked about the importance of the bond issue, if the town withholds 40% until satisfactory completion. Town Attorney, Jason Spitler, stated that the bond can be extremely important if any damages incurred are in excess of the 40% retainage. Mr. Spitler stated that the town may also look to insurance coverage for a liability policy from both the contractor and the town noted as an additional insured party. Mr. Spitler said that it was his understanding that Mr. McKee could not obtain a bond because the cost was too prohibitive. Mr. Webb stated that this difficulty was incurred because Mr. McKee is essentially a one man business and thus underwriters consider this more risky, leading to an overall increase in the cost of obtaining the bond.

Councilman Arrington suggested that Council give the Town Manager the authority to continue negotiations with the second bidder and get the project started. Councilman Arrington said that he does not want to see the town do the project without a bond. Councilwoman Menefee asked if Council can have more information before the next Council meeting. Councilman Arrington said that if information can be obtained sooner, Council should be notified.

Announcements

Town Manager, Rick Black, pointed out several invitations received by Council members. Mr. Black said that the Northern Shenandoah Valley Regional Commission has invited members to their upcoming event. Councilman Schiro said that NSVRC has reinstated this annual meeting and is now sponsoring this event in conjunction with Lord Fairfax Community College and that he would like to encourage members to attend. Mr. Black advised that the VML Town Section meeting will be held in Gordonsville and he will need to RSVP by May 30th. Councilman Schiro advised that Council members elect should also be invited to attend. Mayor Presgraves reminded of the upcoming Town elections on Tuesday, May 1, 2012. Town Manager, Rick Black, reminded members of the upcoming Memorial Day Parade in Shenandoah on Saturday, May 26th.

Town Attorney

Town Attorney, Jason Spitler, provided revisions to the Taxi Cab Ordinance. Mr. Spitler said that he has been working on an extensive revision of the town's ordinance and that he has completed all of the time

sensitive portions. Mr. Spitler said that initially these issues were brought to his attention by Chief Campbell and that most changes are contained in Division 3 of Chapter 94 of the Code of the Town of Luray. Mr. Spitler noted significant changes to section 94-102 which explains the application process and the requirements within. Section 94-103 provides for the applicants fingerprints and photographs before issuance of the permit. Section 94-104 gives the Chief of Police the authority to require a physical examination of the applicant if the chief deems this necessary and any such examination is at the expense of the applicant. Section 94-105 discusses the issuance of the taxicab permit, with the state code assuming that a permit will be issued unless cause should be found otherwise. Section 94-106 increases the permit fee to \$20.00 in accordance with other town fees. Mr. Spitler explained that Section 94-107 discusses the appeal process, should a permit not be issued by the Chief of Police. If a permit is denied, an appeal may be issued to the Town Council for further determination. Other specifics of the ordinance amendment can be found in Section 108 and 109 which provide for the proper display of the permit, maintenance or replacement. Section 110 states that... *Every taxicab driver's permit shall expire one year from the date issued, unless suspended, revoked or invalidated.* Mr. Spitler discussed Section 94-111 in regards to Permit Revocation or Suspension where such causes for revocation/suspension are stated.

Councilwoman Menefee requested to add language to section 94-105 to say "or on appeal to the Town Council". Mr. Spitler responded that he would make this change. Councilman Arrington asked if it would be appropriate to incorporate random drug testing into this policy, as these drivers' are responsible for the transportation of town citizens. Town Attorney, Jason Spitler, said he would be glad to take a closer look at this issue; however, the state code has no provisions for such. Mr. Spitler said that such a requirement may be more appropriate during the application process. He said that he doesn't feel that a random screening is necessarily appropriate once the permit has been issued. Councilman Racer pointed out his concerns with language in Section 94-102 (I) which reads... *Whether or not the applicant consumes, or consumed during the previous five years, any liquors, narcotics or other drugs, and to what extent if any.* Councilman Racer stated that he does not feel it is the town's business to ask such questions, so long as no laws are being broken. Mr. Spitler asserted that this is nearly verbatim from the state code's language for applicant requirements. Councilman Racer also expressed concerns over the language in Section 94-111 concerning the same matter. Town Attorney, Jason Spitler, said that this section only provides for the "offense" of such matters and that he could incorporate language for clarification in this section.

Mayor Presgraves directed the Town Attorney to make the necessary changes and that council could vote on this at the May 14th meeting. Town Attorney, Jason Spitler, asked for a consensus on the proposed changes and said that he will make revisions accordingly. Councilman Vickers requested to view a written application for taxicab drivers. Mr. Spitler advised that an application form is used by Chief Campbell and that he will obtain an application for Council to review.

Town Attorney, Jason Spitler, stated that the current version of Section 94-110 requires that all permits expire annually on April 30th. Mr. Spitler asked for Council's issuance of a verbal resolution suspending this date until May 30th to allow for the continued revisions. Council unanimously agreed that the permit expiration date be extended until May 31st to provide for the needed revisions.

Mayor's Announcements

Mayor Presgraves advised Council and Staff that Ligon Webb was approved by the Page County Board of Supervisors on his appointment to the Page County Economic Development Authority.

Mayor Presgraves asked Council members to consider a resolution honoring the Ruffner family. He stated that the Bicentennial Celebration continues throughout 2012 and noted the Ruffner family's instrumental importance on the founding of the Town of Luray. He asked Council members to pass a resolution honoring Peter and Mary Steinman (Ruffner family) on the occasion of the 273rd anniversary of the family's settling in the Shenandoah Valley, which is now known as the Town of Luray.

Motion: Councilwoman Menefee motioned to authorize the Resolution in Recognition of the Ruffner Family During Luray's Bicentennial Celebration; Councilman Racer seconded the motion with the following members voting YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Town Manager, Rick Black, reminded of the Bicentennial Parade on May 11th at 7:00pm. Mayor Presgraves also reminded of the Arbor Day Celebration on Saturday, April 28th.

Adjourn

There being no further business, Mayor Presgraves adjourned the work session of the Town Council at approximately 6:43 pm.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer