

MINUTES OF A TOWN COUNCIL WORK SESSION
TOWN OF LURAY, VIRGINIA
Tuesday, June 25, 2013

The Luray Town Council met in a work session on Tuesday, June 25, 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
Pam Flasch
Mary Menefee
Leroy Lancaster
Joey Sours
John Meaney**

Also Present:

**Charlie Hoke, Temporary 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
G.R. Anderson, Luray Police Department
Page News and Courier**

The meeting was called to order by Mayor Barry Presgraves and everyone recited the Pledge of Allegiance to the flag.

Updates and Discussion Items

Off-Premises Sign Ordinance

Mr. Hoke stated that he has reviewed the Off Premises Sign Ordinance and has some historical background on the issue. Mr. Hoke said the signs in question have been out on display prior to the Off Premise Sign Ordinance but on January 10, 2007 there was a permit issued to display the off premise signs for the Warehouse Art Gallery. Since then, the issue has come before Council approximately five times. Mr. Hoke said that there seem to be two main issues to the debate; 1- the ordinance is debatable and open for interpretation, 2- a variance was provided for the ordinance. Mr. Hoke said that granting a variance often causes an issue and may seem unfair to other businesses.

Mr. Hoke stated that he has a recommendation for the Council to consider. Currently, there is only one permit issued for an off premise sign and he would like to allow this permit to be effective until the ordinance can be sent to the Planning Commission for consideration. Mr. Hoke explained that this permit would allow Mr. Mayes to continue to use the two signs with the restrictions set forth. There are four separate restrictions that must be adhered to which were explained in detail. The signs must be sandwich board in style, non illuminated, self supporting, and meet size restrictions. If the signs are located within a public right-of-way they must not impede pedestrian traffic or movement. The signs must also be kept in good condition and are subject to annual review of the permit. As well, the sandwich board signs are only permitted during the hours of operation and must be removed unless otherwise noted by the Zoning Administrator. Failure to remove such signs may result in revocation of the sandwich board sign permit.

Councilwoman Menefee clarified that the current permit provides for two sandwich board signs. Councilman Sours inquired about the request for variance regarding the signs. Mr. Hoke said that there had been some issue with the size of the sign and with the removal of them at the end of daily business. Councilman Vickers recalled that at the last meeting there was a great deal of support for Mr. Mayes business and that he has not heard one complaint from the public. Mr. Vickers said that he knew there had been some issue with removing the signs daily due to volunteers not being able to remove the signs. Councilman Vickers said that he would like to see Mr.

Mayes gain some relief, so that the town is viewed as “pro-business”. But, would prefer that the signs not impede pedestrian traffic. Councilman Sours would like to see Mr. Mayes gain some relief without cutting apart what has already been established in the sign ordinance. Councilman Sours noted that a sign is not considered temporary if it is allowed to be displayed 24 hours per day. Councilwoman Menefee said that she feels staff’s recommendation is a good one; allowing for two sandwich board signs and asks for compliance with the town’s ordinance. Mr. Hoke said that his recommendation is a compromise for both parties and will give the Planning Commission time to review the existing ordinance. Mayor Presgraves said that he would estimate the commission would need about 60 days to review the ordinance and refer back to Council with a recommendation. Chairman Clifton Campbell, Luray Planning Commission, said that the members would be glad to review the ordinance and revise where changes are needed. Councilman Sours discussed several interpretations for the ordinance and does not want the regulations to be too rigid. Mr. Hoke said that he would also like to receive an authorization letter from the property owner before a sandwich board sign can be placed off premises. Councilman Vickers said that he wants to represent the public’s requests and has not heard a single complaint on the signs, yet he has heard a great deal of people asking for consideration for these signs. Councilman Vickers said he is in favor of sending the issue to the Planning Commission, but in the meantime he wants to see us allow the signs to go back up. Mr. Vickers wants to see the gallery stay in business and keep businesses happy. Councilman Sours reflected on the initial decision to enforce the sign ordinance as it is written. Councilman Vickers agreed that he was in favor of enforcing the law as it was presented at that time. However, Mr. Vickers stated that there has been a giant outcry from the community to allow some relief for Mr. Mayes. Councilman Vickers asked members which battle they would like to pick and is this worth making so many people upset. Mr. Hoke advised that sending this issue back to the commission will still allow the Council to make the ultimate decision. Councilwoman Menefee maintained that she feels this is a reasonable compromise. Councilman Meaney questioned the outcome if the restrictions of the permit are not met. Councilwoman Flasch recalled several volunteers at the last meeting who indicated they were willing to assist with taking in these signs.

Motion: Councilwoman Flasch motioned to accept staff’s recommendation to allow Mr. Mayes to place his signs out for a period of sixty days under the existing permit while the ordinance is reviewed by the Luray Planning Commission, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Flasch, Menefee, Lancaster, Sours, Meaney. NAY: Vickers **Approved 5-1**

Maintenance Agreements

Temporary Town Manager, Charlie Hoke, said that he had been working with Mr. O’Brien and his three hundred acres of award winning parks and has been reviewing various aspects of the department. Mr. Hoke said that during this process they have discussed which departments are responsible for various maintenance areas. Mr. Hoke noted that some areas are unkempt and are mainly areas that have been donated to the town. Also, Mr. Hoke noted that routinely Mr. O’Brien is over budget and it seems that a maintenance agreement for any donated item would justify those expenditures. Mr. Hoke said this type of agreement would help in the budgeting process. Mr. Hoke explained that he, along with Mr. Webb, have drafted a maintenance agreement for any donated property. The form outlines the donation, type of maintenance, and who will be responsible for the maintenance. Thus, if the department head is not in favor of the donation or feels it is too costly to maintain then staff will be aware before the matter is brought before Council.

Councilwoman Menefee asked for clarification on whom the agreement was between. Mr. Hoke explained that the form is basically the town/department head accepting the responsibility for the donation. Councilman Vickers said that he would like to see the form changed to be called a “Donor Agreement”. Mr. Hoke clarified that the form is basically an agreement on behalf of the department to maintain the donation and how much labor will be required to do so. Councilman Meaney added that this will also eliminate the potential for “eye sores”. Mr. Hoke agreed that this would allow for a clause to remove unsightly or deteriorating objects. Councilman Lancaster stated that Mr. O’Brien has done away with several flower beds and replaced them with sod, due to the continued maintenance. Mr. Hoke explained that this has occurred at the recreation park due to his recommendations. Councilman Vickers said that he agrees with the concept but finds some aspects of the form bothersome. Town Attorney, Jason Spitzer, added that the Council may want to consider some form of waiver if the donor chooses to

maintain any or the entire asset. Mr. Spitler said that the town would not want to risk a worker's compensation claim and should be released from all liability. Mayor Presgraves concluded the discussion by asking for staff to make the suggested revisions and bring back to Council.

Planning and Zoning Items

Town Planner, Ligon Webb, included in Council's packet the proffer letter from Page Memorial Hospital from April 2011 regarding the \$165,000 contribution toward a potential traffic light at Memorial Drive and West Main Street. Mr. Webb added that he intends to meet with Mr. Clark and initiate the traffic study that they have offered to fund. The analysis would determine if a traffic signal is indeed necessary. Mr. Webb said that initially staff and council members decided to wait on the analysis until the hospital construction was underway. With this process well progressed, it is time to begin the proceedings for a study. Council and staff discussed the cost associated with the signal and also the associated cost of adding sidewalks in this area.

Mr. Webb suggested having a formal presentation of the Comprehensive Plan, possibly at the July meeting. Each member has been provided with a draft copy and can direct questions or comments to Mr. Webb.

Public Hearing

Potential Budget Amendment

Temporary Town Manager, Charlie Hoke, announced the public hearing for a potential budget amendment. Mayor Presgraves then opened the public hearing for citizen comment. With no comments from citizens, the hearing was closed.

Action Items

FY 2013 Budget Amendment

Mr. Hoke said that the Council has approved the Budget Amendment Advertisement at the June 10th Regular Meeting. Mr. Hoke said at this time it is not certain if the budget amendment will be needed, however; this must be approved by Council in the event that it is necessary. Mr. Hoke asked for Council members to act on the Budget Amendment as advertised.

Motion: Councilman Vickers motioned to approve the FY 2013 Budget Amendment, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Sours, Meaney. ABSTAIN: Flasch. **Approved 5-0**

FY 2014 Town Fee Schedule (Revised)

Mr. Hoke stated that the FY 2014 Fee Schedule has two areas of revision. The first revision is the late payment charge, which was previously approved at 10% or \$10.00 (whichever is greater). Mr. Hoke explained that the town's accounting program will only provide for a 10% late assessment. If the town were to amend the accounting software program, the cost would greatly exceed the recovered late penalty fees. The second revision is for the inclusion of Miscellaneous Fees for a 50¢ per page charge for copies and staff time billed in 15-minute intervals. These fees have always been charged, but have never been included in the fee schedule. Councilman Vickers stated that he is in favor of both revisions.

Motion: Councilman Vickers motioned to approve the FY 2014 Fee Schedule Revisions as presented, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Sours, Meaney. ABSTAIN: Flasch. **Approved 5-0**

Office Closure Schedule for Year-End Accounting

Temporary Town Manager, Charlie Hoke, stated that the town's fiscal year ends June 30th and therefore time is needed to finish up accounting procedures. He advised that July 1st will follow a normal operating schedule, with Tuesday July 2nd being closed to walk in customers. Wednesday July 3rd the office will be closed to walk in customers and the office will be closed the entire day on Thursday July 4th, 2013. Mr. Hoke advised that normal operating hours will resume on Friday, July 5th. He reminded that this is a customary procedure for the year end office procedures.

Motion: Councilman Sours motioned to accept the operational schedule for July 1st - 5th, motion seconded by Councilwoman Menefee with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

Town Attorney

Town Attorney, Jason Spitler, stated that he would like to first discuss the town's proposed FOIA Policy. Mr. Spitler said that he and Mr. Chrisman have been working on a written set of general policies regarding the town's receipt of and response to Freedom of Information Act Requests under the Virginia Code. Mr. Spitler said that the draft policy is essentially a summary of the existing state law as it relates to FOIA requests. It is intended to be a resource to town staff in terms of future responses and ensuring that those responses are consistent. Mr. Spitler explained that the town's information officer would be the Town Manager or his designee. The records custodian would be the Town Clerk or the clerk's designee. Mr. Spitler said that Mr. Chrisman had a few revisions and those have been addressed. Council and Staff discussed several changes and items that will improve and update the overall policy. Mr. Spitler reminded that the state code supersedes the town's policy should there be any conflict and any changes to the town code will require the town to revise its code. Mr. Spitler said that the policy could be adopted as soon as July regular council meeting.

Town Attorney, Jason Spitler, discussed the Airport Authority Appointments. As Council is aware, the town has recently agreed, along with Page County, to form an airport authority and the first order of business is to appoint members. These appointments must meet advertising requirements for both the Town of Luray and Page County appointees. Mr. Spitler discussed the number of appointees, terms, and possible candidates for appointment. Mr. Spitler said that he is asking the Council for authorization to move forward with the required advertising for the August meeting. Council's consensus was to proceed with the necessary advertising and coordinate with Page County.

Town Attorney, Jason Spitler, provided updates on a few other current issues. Mr. Spitler advised that the case with former Town Manger, Mr. Black, and the Worker's Compensation case have had no major developments. Mr. Spitler said that he has had some extensive contact with the Virginia Department of Housing and Community Development regarding Mr. Nawrocki. Mr. Spitler said he now has all of the information and forms required and he will be meeting with Deputy Clerk Treasurer, Danielle Babb, to go over compliance issues. He believes that at this time, DHCD is mainly looking for compliance. The original contract requires that the Nawrocki's be compliant in providing low-to-moderate income housing for a period of ten years. Low-to-moderate income housing is defined by the state as rent expense that does not exceed 35% of the total household income.

EXECUTIVE SESSION

Personnel, Section 2.2-3711.A.1

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing and Section 2.2-3711.A.1.

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

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

Other Items/Announcements

Mayor Presgraves stated that the annual employee picnic will be held on July 3rd at Lake Arrowhead. Council members should arrive at 10:00am and lunch will be served at 1:00pm. Councilman Vickers inquired about the hearing date for Mr. Black. Mayor Presgraves said that he believes this will be at 9:00am on July 2nd. Mayor Presgraves asked members to advise him if they will be participating in the Stanley Homecoming Parade. He said that the social will begin at 4:00pm with the line-up at 5:00pm and parade beginning at 6:00pm. Ms. Flasch, Ms. Menefee, Mr. Meaney, and Mr. Vickers all confirmed that they plan to attend. Mayor Presgraves reminded Council members of the fall VML Conference. Attendees should advise Ms. Broyles if they plan to attend, so that room reservations can be secured. Assistant Town Manager, Bryan Chrisman, reminded that the October Council meeting will be on October 7th due to the VML Conference the following week.

Adjourn

There being no further business, Mayor Presgraves adjourned the work session of the Town Council at approximately 7:45 pm.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer