

**MINUTES OF A TOWN COUNCIL WORK SESSION
TOWN OF LURAY, VIRGINIA
Tuesday, June 26, 2012**

The Luray Town Council met in a work session on Tuesday, June 26, 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, Town Clerk/Treasurer
Danielle Babb, Deputy Clerk Treasurer
Jason Spitler, Town Attorney
Lieutenant Wayne Petefish, Luray Police Department
John Meaney, Luray Planning Commission
Wayne Hilliard, Luray Little League
Mary Ridgeway, Luray Little League
Craig Owen, President-District 3 Little League
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 all members present.

Changes or Additions to the Agenda

Mayor Presgraves asked members if there were any changes or additions to the agenda. Mr. Black requested to discuss a proposed drainage easement on South Hawksbill Street.

Public Hearing: Amendment to the FY July 1, 2011 – June 30, 2012 Budget

Town Manager, Rick Black, stated that a public hearing is scheduled for this evening. Any amendment exceeding 1% of the town's total budget requires a public hearing. The advertisement for the hearing includes 1) \$265,333.50 from the Federal Aviation Administration Grant, 2) \$169,400 from the town's general fund to offset expenditures incurred in the rehabilitation of the town's Confederate Heroes Monument 3) \$70,000 from the USDA Rural Development Loan for the completion of the Water Treatment Plant, 4) \$30,000 for expenditures to the town's Wastewater Treatment Plant 5) \$20,000 from

the general fund to offset the expenditures incurred from the mandatory upgrade of Public Safety Communication Equipment.

Mayor Presgraves then opened the public hearing for general citizen comments. With no one present to speak on the issue, the hearing was closed.

Motion: Councilwoman Menefee motioned to authorize the amendment to the July 1, 2011 – June 30, 2012 Budget as presented; Councilman Arrington seconded the motion with the following members voting YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Virginia Resource Authority Refunding

Town Manager, Rick Black, said that he, along with bond counsel, Carolyn Perry, have been working with VRA on the refunding proposal. Mr. Black said that the town had been contacted because of the changes in bond rates, essentially refinancing several of the town's bonds. Mr. Black said that the town will realize an approximate savings of \$250,000 over the life of the bonds. Mr. Black asked Council members that the document be executed at tonight's meeting.

Motion: Councilman Lancaster motioned to authorize the Ordinance and Resolution for the Virginia Resource Authority Refunding; Councilman Racer seconded the motion with the following members voting YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Depot Update

Mr. Black said that he had received a request from Councilman Racer to check on the status of the depot project. Mr. Black read aloud a listing of dates from January 2012 through June 2012. The first of these dates being when the town submitted its construction plans for the museum phase, the remainder of these dates involved status update requests or requests for additional information. Mr. Black's emphasis in reviewing these dates was to illustrate that staff has either submitted or responded to VDOT on nine different occasions. The result of these inquiries has been an ongoing process of *Requests for Information*. Councilman Racer said that with this being the case, he would like for the Town Manager to contact Mr. Gary Frink at VDOT and request that Delegate Todd Gilbert intercede. Mr. Racer said that unfortunately he feels this is the course of action the town is going to have to take. Councilman Schiro asked whose direction this project is under. Mr. Black explained that the project falls under the district office. Previously, the project went to the resident engineer first, then on to the district office program manager. Councilman Schiro asked what kinds of questions are being asked in the requests for information. Mr. Black responded that he could provide details of the information, but all items so far have been insignificant. Mayor Presgraves recalled taking this issue to Delegate Gilbert once before. Mr. Racer is concerned that every day we delay the project, costs will continue to rise.

Page County Broadband Authority

Town Manager, Rick Black, said that Attorney Mark Reed has asked for an amendment to the lease agreement regarding the microwave dish. Mr. Black stated that Mr. Lancaster has suggested that the town limit the amendment to provide only for this particular piece of equipment. Mr. Lancaster said that it seems the request is for a blanket limit on any type of equipment that could be placed on the building. Mr. Lancaster said that the details of the proposed equipment are not in the agreement. Mr. Black recommends incorporating the plans by specific reference. Mr. Lancaster agreed to incorporate the plans but not the way the current language is.

Motion: Councilman Lancaster motioned to authorize the Page County Broadband Ordinance Amendment according to the specifications of the contract; Councilwoman Menefee seconded the motion with the following members voting YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

North Alley Project

Mr. Black discussed the North Alley Project as it relates to the demolition of the Price house. Mr. Black said that a public hearing will be held with the Planning Commission at the July 11th meeting. The parcel is bordered on three sides by B-1 zoned parcels, this property is currently zoned M-1. It is in the town's best interest to rezone the property to match the neighboring parcels and hold one public hearing.

Grease Traps

Town Manager, Rick Black, discussed grease traps/grease interceptors as they relate to restaurants. Mr. Black explained that the fats and oils generated by commercial cooking are basically enemies of the town's sewer system, and ultimately the sewage treatment plant. Mr. Black would like for Council to consider revising the town's building code to incorporate standards that are enforceable by the building/health departments. He said that currently many designs for such systems can be found. The state code provides for civil penalties for the discharge of such material and requires mandatory testing and record keeping. Mr. Black would like to consider a five year phase in period for such units. Councilman Racer asked if every institution would need to comply or would some be grandfathered in. Mr. Black is proposing that all institutions comply over a five year time frame. Councilwoman Menefee asked why this issue has come up. Mr. Black said that the problem involves sewer lines being frequently stopped up and that our maintenance crew is routinely checking manholes for this problem each week due to these issues. Mr. Black said that our current code is not very enforceable and that only new construction currently has to comply with the proposed standards. Councilwoman Menefee questioned the cost that would be incurred by the business. Mr. Black said that the cost would be entirely dependent on the building type and location. He also noted that the state code allows the locality to request maintenance contracts be a part of renewing a business license for the establishment. Councilman Schiro stated that requiring the installation is only the first step; the key is to maintaining the systems. Mr. Black said that the ultimate goal is to keep these materials out of our sewer system because it is very expensive to treat these materials. Councilman Vickers and Councilman Lancaster agreed that the source of the materials should be held responsible for the problem.

South Hawksbill Street

Mr. Black stated that Page County is working on a storm water management plan for their properties on Court Street. Currently, there is no place to adequately discharge storm water. Mr. Black said that their plan is to put in a pretreatment unit, but ultimately the water must get to the Hawksbill creek. This would require a 20 foot easement to go under South Hawksbill Street. Mr. Black anticipates reviewing a plan in the future.

Use of Town Seal – VML Analysis

Mr. Black discussed information from VML's Town and City magazine concerning the unauthorized use of the town seal. Mr. Black said that there is nothing in the town code to prevent such use. He stated that VML's simple solution is to adopt a portion of the federal code into the town code concerning this

issue. Mr. Black feels this is a wise course of action on behalf of the town council. Town Attorney, Jason Spitler, said that he would suggest incorporating federal code language into the town's code. He referred to the VML article concerning the existing law and said that there are still a few gray areas. He suggests that any action by the town would be better than the existing code reference. Mr. Spitler said that he will have this drafted for vote at the July 9th Council meeting. Mr. Spitler asked when the town office will be closed for the July 4th holiday. Mr. Black said that the office will be closed on Wednesday and will be closed to the public all day Tuesday. Staff will be working on Tuesday morning until noon to close the year end records.

Town Attorney's Report

Mr. Vickers inquired about mural paintings and if the town has any control over these. Mr. Spitler said that basically the town has no say, unless the purpose of the artwork is for advertising. The town only has a say in the regulation of advertisements.

Mr. Spitler said that he has delivered some real estate documents to Mr. Black and Mr. Chrisman for the July 9th Council meeting. These documents concern the properties at Lake Arrowhead and the Holsinger Property. Those documents will need approval at the July Council meeting.

Luray Little League

Wayne Hilliard, 316 N. Bank Street, Luray-

Mr. Wayne Hilliard thanked Council for letting him speak this evening and stated that he was present to dispute the no trespassing order that was given to him by the Town of Luray regarding the R.H. Dean Recreation Park. Mr. Hilliard stated that he does not feel he purposely did anything wrong and that he is sorry for going into the concession stand, if that was indeed wrong. Mr. Hilliard stated that he did have keys and said that he tried twice over the winter to turn them in. He said that he was aware that the town was in charge of the concession stand. He felt everyone should know that he had keys to the park and said that someone should have called him to ask him to bring in his keys. Mr. Hilliard does not understand why he was given a No Trespassing order. Mr. Hilliard asked if anyone had any questions for him.

Mayor Presgraves asked who he tried to give the keys to. Mr. Hilliard said that he tried to bring them into the office to Mr. Chrisman. He said he was then directed to give them to Steve Foltz, Parks and Recreation Department. Mr. Hilliard advised that he was told to keep his keys by Mr. Foltz, since he was still Vice President of the league. He did recall the league receiving a letter asking everyone to turn in keys. Councilman Schiro asked that if the town instructed the league to turn in keys, why he didn't assume the intent was to prohibit access to these properties.

Councilman Schiro asked what prompted Mr. Hilliard to go into the concession stand on Field 5. Mr. Hilliard explained that Josh Wood, League President, had contacted him and asked him to meet at the concession stand to see if any items belonging to the league were inside. Mr. Hilliard said that upon arrival he talked with a town staff member just prior to meeting Mr. Wood. Councilwoman Menefee recalled the league had been previously asked to remove all of their equipment. Mr. Hilliard said that inside the concession stand, he and Mr. Wood found a chili/cheese machine that belonged to the Luray Little League and decided to take it. Mr. Hilliard said that at the time Mr. Wood was very upset that games had been cancelled for that evening. Councilwoman Menefee remembered that there was a tornado warning in effect that evening, questioned why considering this warning was a "bad idea"? Councilman Lancaster recalled that Mr. Wood felt that the only games cancelled at the park were done so

by the Town Council. Councilwoman Menefee asked why Mr. Hilliard and Mr. Wood waited until no one was around to enter the stand. Ms. Menefee suggested asking staff to go in and request to remove the items. Mr. Hilliard said that he was not blaming Mr. Wood, and stated that he carried out one of the machines. Councilwoman Menefee asked how many sets of keys Mr. Hilliard had. Mr. Hilliard said that he had one set of keys that has since been returned to the town. Ms. Menefee clarified that Mr. Hilliard's dispute is that he had attempted to turn in keys and that he was not aware that he wasn't allowed inside the concession stand. Mr. Hilliard stated that he was not directly told that he was not allowed in the stand and that he had no reason to be in there other than to get items that belonged to the league. Mayor Presgraves said that Mr. Hilliard and Mr. Wood entered the concession stand only moments after the concession stand employee had left. Mayor Presgraves also reminded that town employees had been at the park and could have let them in. Mr. Hilliard explained that it was not planned in this way and he did not know he was doing anything wrong.

Mayor Presgraves asked Mr. Black for his comments on this issue. Town Manager, Rick Black, stated that a letter was sent to Mr. David Geese of the Luray Little League on October 28, 2011 requesting that all keys to the concession stand for Fields 1 and 5 be returned. Mr. Black said that he was notified on November 1, 2011 that Mr. Wood had been elected president of the league. Mr. Black advised that the new President, Mr. Wood, was also sent the same letter asking for the return of keys and requesting that equipment be removed. Mr. Black said that Steve Foltz, Parks and Recreation Department, set up three occasions for the league members to come and turn in keys. Mayor Presgraves questioned why Mr. Hilliard did not turn in his keys at this time. Mr. Hilliard maintained that he was not aware of this and that the information was not passed on to him. Mayor Presgraves asked how the Vice President of the league could not know about this. Mr. Hilliard maintained that he had previously attempted to turn in his keys. Councilman Schiro asked why Mr. Wood was not present this evening. Mr. Hilliard explained that Mr. Wood was working and was unable to attend.

Mayor Presgraves stated that guidelines for the recreation park were set in August 2010. He explained that violations and trespassing infractions carry a penalty, for those under 18 years of age, of a 60 day suspension. He said that any person over the age of 18 is subject to a 90 day suspension from the property. Mayor Presgraves confirmed with Mr. Black that the league was given a copy of these guidelines. Mayor Presgraves reminded that other charges could have been filed, but staff did not elect to do so.

Mary Ridgeway, 219 Fairview Road, Luray-

Ms. Ridgeway spoke before Council and said that she is also on the board of directors of the Luray Little League. Ms. Ridgeway said that she feels their needs to be a better way for the league and the town to work together with no lack of communication. She said that she has known Mr. Hilliard for many years and that his priority has always been the league. She stated that she does not feel he purposely did anything wrong. Ms. Ridgeway said that her main concern is the upcoming invitational tournament and Mr. Hilliard's role in helping with the event. She asked if there was any other way to work this out and had hoped that No Trespassing orders would not have been issued. Ms. Ridgeway said that she was unaware of the trespassing guidelines. She added that having all board members present, especially the President and Vice-President, would look good upon the league. Ms. Ridgeway offered to attend meetings of both the league and council to communicate between the two organizations. She said that her concern is for Mr. Hilliard to be present for the upcoming tournament.

Ms. Menefee confirmed that the potential request is to lift the trespassing ban for Mr. Hilliard for the length of the tournament. Councilman Vickers said he hates to think that there are bad feelings between

the town and league. He said that information Council members receive can make situations look bad. Mr. Vickers recalled that Mr. Hilliard had been asked to turn in his keys and yet he entered these facilities after hours. However, he recognized that Mr. Hilliard has come before members to apologize and explain. Mayor Presgraves asked Mr. Vickers if it is acceptable to turn their heads against all infractions just because someone says they are sorry. Councilman Vickers acknowledged that the town is entrusted with and responsible for the facility on behalf of all citizens and must act accordingly for those infractions. Mr. Vickers recognized that with the upcoming tournament he is willing to consider rescinding the No Trespassing order for this event only. Mr. Vickers suggested allowing Mr. Hilliard to participate in the tournament and then resume the remainder of the 90-day no trespassing order. Mayor Presgraves asked what will happen when the next person does the same thing.

Councilwoman Menefee asked how many board members there are. Ms. Ridgeway said that there are 13 board members total, but not all members are able to be present for the entire tournament. She explained that many board members work schedules prohibit them from helping during the weekdays. Ms. Ridgeway explained that a lot of those people are not capable of doing some things that may be needed during the tournament. Mayor Presgraves asked how this question is relevant. Councilwoman Menefee said that Ms. Ridgeway is considering Mr. Hilliard a vital part of the tournament. Mayor Presgraves said that he thought the district ran the tournament. Mr. Craig Owen said District 3 runs the actual tournament. However, he said that he depends heavily on Luray Little League to help with other areas of the tournament, such as the press box and record keeping.

Mayor Presgraves warned that every action warrants a reaction; and by entering facilities that you have no reason to be in there are consequences. He said that this should be a lesson learned to the league. Mayor Presgraves said that the decision is now up to Council members. Councilman Vickers said that he could understand giving a six day reprieve from the no trespassing order to both Mr. Hilliard and Mr. Wood. Councilman Vickers said that he had received a call from Mr. Wood and that he was very apologetic. Mr. Vickers said that the town should be the 'nice guy' by giving a six day reprieve and that he believes it is right to give people second chances. Councilman Lancaster stated that had been warned that if the Council did not rescind the No Trespassing order then there wouldn't be a tournament in Luray. Councilman Schiro also recalled receiving information that if the order wasn't rescinded that adequate staff would not be available to hold the tournament. Mr. Craig Owen confirmed that the tournament will be in Luray, and that everything is already set up to hold the tournament here.

Mayor Presgraves stated that Council has heard the case and the request for the order to be rescinded for six days during the tournament. The no trespassing order would be reinstated for the remainder of the original term.

Motion: Councilman Vickers motioned to rescind the No Trespassing order for the President and Vice-President of the Luray Little League for the six days of the tournament only, with the term to resume after the tournament; Councilwoman Menefee seconded the motion with the following members voting YEA: Council Members Vickers, Menefee, NAY: Lancaster, Schiro, Racer, ABSTAIN: Arrington (Councilman Arrington requested to abstain from the vote due to his absence from the last two council meetings) **Denied 3-2**

Announcements

Mayor Presgraves reminded that appointments for planning commission vacancies need to be ready for the July 9th Council Meeting.

Mayor Presgraves reminded members of the employee picnic on July 3rd with the meal at 1:00pm. Mayor Presgraves invited Councilman Schiro and Councilman Racer to attend the picnic as well. Councilman Schiro recognized Councilman Vickers for the gift presented to himself and Councilman Racer. Mayor Presgraves thanked Councilman Schiro for his community service and dedication to the council. Mayor Presgraves stated that Mr. Schiro has served the council for a four year term and that certainly he appreciates this service and values his leadership. Mayor Presgraves recognized Councilman Racer and appreciates his years of work for the community and its citizens.

Lastly, Mayor Presgraves reminded new council members that the Stanley Homecoming Parade will be on July 7th and those who are attending should meet at the town office and will plan to attend the social before the parade.

Adjourn

There being no further business, Mayor Presgraves adjourned the work session of the Town Council at approximately 6:45 pm.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer