

MINUTES OF A TOWN COUNCIL WORK SESSION
TOWN OF LURAY, VIRGINIA
Tuesday, September 22, 2009

The Luray Town Council met in a work session on Tuesday, September 22, 2009 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: Nancy Shifflett
Lonnie Arrington
William Menefee
Leroy Lancaster
Jerry Schiro
Earl "Rock" 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
Sergeant G.R. Anderson, LPD
Terry Pettit, Town Manager, Town of Stanley
Cindy Breeden, Treasurer, Town of Shenandoah

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

Changes or Additions to the Agenda

Mayor Presgraves asked if there were any changes or additions to the agenda. Town Manager, Rick Black, requested to add a revision to the Articles of Incorporation for the Hawksbill Greenway/Recreation Foundation.

Proposed Cigarette Tax

Ligon Webb, Town Planner, provided Council with a power point presentation on the proposed cigarette tax. Mr. Webb explained that payment of a local tax is indicated by affixing a stamp to each pack sold within the jurisdiction. Mr. Webb stated that other localities have adopted a tax that ranges between .02 to .65 cents per pack. Approximately half of all towns in Virginia have adopted this tax. Mr. Webb reviewed several nearby localities' tax rates and the associated revenue. The process of distributing the stamps begins with the town purchasing the stamps and then selling them to the wholesaler. The wholesaler will then affix the stamps, not the individual vendor. Enforcement of the tax is implemented by checking the vendor to be ensure that the stamps are affixed on the packs.

Concerning the revenue aspect, Mr. Webb stated that area Treasurer's find this to be one of the easiest taxes to administer. Mr. Webb illustrated several revenue estimates with each associated stamp rate and estimates a cost of approximately \$6,500 for supplies. Mr. Webb stated that it is important to consider setting a rate that does not undermine the competitiveness of vendors. Lastly, Mr. Webb remarked that some localities earmark a portion of the tax revenue for a specific wellness related fund.

Mayor Presgraves and Mr. Webb relayed a conversation with a local tobacco store owner. The owner expressed concerns over the store's proximity to other vendors not subject to the tax due to their location outside of town limits.

Councilman Racer asked what rate the Town was considering for the tax. Mayor Presgraves stated that a rate of .15 cents is being considered. Councilman Schiro asked who would enforce this new tax. Mayor Presgraves stated that code enforcement would check the vendors to ensure the stamps were affixed. Councilman Arrington stated that he foresees citizens questioning what the tax is for. Councilman Schiro stated that the town should be careful not to earmark funds. Mayor Presgraves stated that implementing this tax may help to alleviate having to increase real estate taxes, and/or personal property tax.

Mayor Presgraves advised Mr. Webb to proceed with the next steps in this process by advertising a public hearing for the tax. Also, he advised that the town consider a tentative rate of .15 cents per pack. Council's consensus was to have a public hearing at the November Council meeting and a target implementation date of March 1, 2010 if approved.

Halloween Event

Town Manager, Rick Black, stated that the first organizational meeting was held earlier today for the Halloween Event. Mr. Black advised that there was the issue of the event outgrowing the venue. Sergeant G.R. Anderson was on hand at the evening's meeting to give advice from the Luray Police Department on safety issues. Sergeant Anderson stated that he, Chief Campbell, and Lieutenant Petefish met earlier in the morning to discuss the issue and to make a recommendation on behalf of the police department. Sergeant Anderson stated that while both the Ralph H. Dean Recreation Park and the Hawksbill Greenway were both nice locations; the recreation park was the safer choice. He reminded that the event started years ago and has continued to grow immensely in participation. The main issue with the event being held on the Greenway is that participants are crossing Route 340 for parking. At the last Town Council meeting the option of closing Route 340 was discussed and it was determined that this is not permitted by VDOT. Councilman Menefee confirmed with staff that Route 340 cannot be closed per VDOT. Overall, Sergeant Anderson stated that the police department must consider safety and liability foremost.

Town Manager, Rick Black, stated that during the organizational meeting both LDI Executive Director, Catherine Stewart, and Parks and Recreation Director, Pat O'Brien, both said it was too late in the planning process to change the location. Mayor Presgraves stated that the first obligation of the town is to keep the children safe. Councilman Racer questioned that parking may still be an issue at the recreation park. Councilwoman Shifflett reminded that there is more lighting at the recreation park. Councilman Lancaster advised that most items for the event are likely being stored at the recreation park and would not have to be transported.

Motion: Councilman Arrington motioned that Council move the Halloween Event to the Recreation Park from the Greenway and begin advertising accordingly; seconded by Councilman Menefee with the vote as

follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro NAY: Racer.
Approved 5-1

Public Hearing

A) Vacation of Right of Way (Sam Gee)

Ligon Webb, Town Planner, stated that there has been a request from Sam Gee at 309 Fifth Street for the vacation of alleyway behind his residence. Councilman Lancaster questioned what portion(s) of the alleyway were remaining. He stated that in the past Council had decided that if an alleyway was vacated that it must be done so entirely and not just a portion. Councilman Schiro stated that if Mr. Gee had already acquired a portion of this alleyway that there would be no adverse affect from doing so with the remainder. Mr. Webb stated that this issue has been advertised for public hearing and will be before Council at the October monthly meeting.

B) Zoning Map

Town Planner, Ligon Webb, stated that there will be a public hearing to adopt an official Zoning Map for the Town of Luray. Mr. Webb will provide each council member with a color copy prior to the October Council Meeting.

C) Tattoo Parlor in B-1 by Special Use Permit

Ligon Webb advised Council that there will also be a public hearing to add the term "Tattoo Parlor" to Appendix A, Article IV, Section 406 of the Town Code.

Trailside Restrooms

Town Manager, Rick Black stated that included in Council's packet is an example of a 12X12 trailside restroom facility. Mr. Black stressed that the advice from contractors on this type of project is to build the facility as simply and small as possible in order to stay within the budgeted amount. Mr. Black stated that the trailside restroom on Phase III of the Greenway would be the most costly if a pump station was needed due to the location. Mr. Black advised that since this project is funded by a federal grant that the town may not act as its own general contractor. Councilman Lancaster said that the drawing included in the packet does not appear to be to scale. Council and staff discussed the drawing included in the packet. Mr. Black stated that it was not required to have an architect draw the plans. Councilman Lancaster advised that staff should check with the Page County Building Inspector to see if they would require architect approved plans. Also, Councilman Lancaster stated that he had received a suggestion of locating a restroom near the Ruffner plaza area.

Depot Signs

Town Manager, Rick Black, informed Council that he had received designs from Dave Puckett, FPW Architects, for the signs for the Depot building and kiosk. Council reviewed the information and agreed to proceed with Mr. Puckett's designs.

LHS Homecoming Parade

Town Manager, Rick Black, stated that Luray High School would like to continue with the same route for its Homecoming Parade despite the location of the new school. Council agreed to the request.

Changes or Additions to the Agenda

Mr. Black stated that he has received information from VDOT to start planning the repaving of Main Street. Due to funding issues the repaving may have to be done in sections. Council will also need to consider related issues such as underground conduit for lighting.

Town Attorney, Jason Spitler, noted that there was some confusion over the approval of the Articles of Incorporation for the Hawksbill Greenway/Recreation Foundation. Mr. Ken Beyer was unclear if the draft he presented was the version that was approved at the last Council Meeting. After reviewing the records, Mr. Beyer's draft was the version that was approved. This review led to several revisions by Mr. Spitler and Council was provided with details of the changes. Mr. Spitler stated that while it is not favorable practice for Council to take action at a work session, he would like to ask for a motion on these revisions.

Motion: Councilman Lancaster motioned that Council approve the most recent version of the Articles of Incorporation for the Hawksbill Greenway/Recreation Foundation; seconded by Councilwoman Shifflett with the vote as follows: YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Schiro and Racer. **Approved 6-0**

Lastly, Mr. Spitler notified Council that he has delivered the final draft of the lease for Lord Fairfax Community College.

EXECUTIVE SESSION

Personnel, Section 2.2-3711.A.1

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing Section 2.2-3711.A.1. **Motion:** Councilman Racer motioned to recess the regular session and to convene in executive session; Councilman Arrington seconded the motion with the following members voting YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, 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 Shifflett, Menefee, Arrington, Lancaster, Presgraves, and Racer. **Approved 6-0**

Mayor Presgraves asked members of Council to certify that to the best of their knowledge the 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".**

Adjourn

There being no further business, Mayor Presgraves adjourned the work session of the Town Council at approximately 7:23 pm.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer