

MINUTES OF A TOWN COUNCIL WORK SESSION
TOWN OF LURAY, VIRGINIA
Tuesday, October 25, 2011

The Luray Town Council met in a work session on Tuesday, October 25, 2011 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 (*present after roll call*)
Jerry Schiro
Earl Racer

Also Present: Rick Black, Town Manager
Bryan Chrisman, Assistant Town Manager
Ligon Webb, Town Planner
Mary Broyles, Treasurer
Danielle Babb, Deputy Clerk Treasurer
Jason Spitler, Town Attorney
Pat Racey, Racey Engineering
Powell Markowitz, Luray-Page County Airport
Kenneth Painter, Luray-Page County Airport
Pam Flasch, Luray Bicentennial Committee
Lynn Mathews, Superintendent of Public Works
Paul Comes, Comcast

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

Changes or Additions to the Agenda

The roll was called and Mayor Presgraves requested that Council add Pam Flasch to the agenda to discuss several items on the Luray Bicentennial. Councilman Racer also requested to speak on one issue.

Comcast

Mr. Paul Comes stated that he works with government and community relations for Comcast and is based out of August County. Mr. Comes reminded that he has previously spoken with the

Council and with the Town Manager. Mr. Comes said that he wanted to speak again regarding the franchise agreement between the Town of Luray and Comcast. He said that previously a franchise ordinance had been discussed; however, Comcast tries to stay away from these types of ordinances. He said that there were a few questions that had come up at the last meeting and that he would like to take a few minutes to go over some of these issues. Mr. Comes provided Mayor Presgraves with a current television programming listing to show what is offered by Comcast. Mr. Comes then discussed the transfer from analog to digital in terms of digital television programming. This would also include high definition channels that are included in programming. Mr. Comes stated that upgrades would also provide for video on demand, paid movies, 3D movies, and higher broadband services such as Xfinity broadband. Mr. Comes also cited that Comcast does have a fiber optic background within Page County and noted that Comcast has a state of the art system in place. He also discussed call centers, customer service, and Comcast's involvement in the local community.

Mr. Comes then asked Council for any questions they might have. Councilman Racer asked about the future of digital television. Councilman Schiro asked about the expansion of fiber optic nodes and asked about some issues with poor reception. Mr. Comes discussed the upgrades that have taken place and the saturation levels of usage for high speed internet. Councilman Schiro said that is important for citizens who may work from home and have a base in the Washington, D.C. area to have good reliable service at their home office. Councilwoman Menefee confirmed that Mr. Comes is requesting the Council agree to a ten or fifteen year franchise agreement. Ms. Menefee asked what types of pricing controls will be offered. Mr. Comes explained that pricing is not controlled through a franchise agreement. Mr. Comes discussed competition for the company and pricing. Councilman Schiro reminded that Comcast controls the infrastructure therefore making it very difficult for a new company to be competitive. Mr. Schiro said he feels it is important that Council nail down some of the improvements and come to some sort of an agreement. Mr. Comes said that Comcast's main source of competition comes from satellite providers.

Councilman Schiro asked when the current franchise agreement expires. Town Manager, Rick Black, stated that the current agreement has already expired. Councilwoman Menefee clarified that if the Council does not agree then a franchise ordinance could be implemented by Comcast. Councilman Schiro said that this is not an option the town would want. Town Attorney, Jason Spitler, agreed that this would only be a more costly and time consuming option.

Mr. Comes said that he would also be looking at some of the courtesy services provided by Comcast. He also discussed some potential advertising avenues that Comcast could offer the Town as well. Mr. Comes also discussed Channel 15 and other similar informational advertising.

Councilman Schiro asked if Council were to grant an agreement longer than five years, would the town be required to re-advertise and hold a public hearing. Mr. Spitler advised that the town has already advertised for a fifteen year agreement; and therefore can grant anything up to a fifteen year agreement. Mayor Presgraves said that he would like for Council to think over these issues and take action at a future Council meeting. Councilman Schiro asked that in the

meantime Mr. Comes provide a draft of the commitments that Comcast would be willing to make. Mr. Comes advised that he would be in touch with Mr. Black on this issue.

Virginia 3 P's Program

Pat Racey, Racey Engineering, came before Council requesting to represent the town for its transportation project needs. Mr. Racey explained that he has spoken with Mr. Black and Mayor Presgraves about the Virginia 3P Program for two potential projects for the town. Mr. Racey began with an overview of what the Virginia 3P program means. Mr. Racey explained that in 1995 Virginia enacted a program called PPTA and has developed a very successful track record. The state has also developed a receptive political environment towards "P3" projects. There seems to be a variety of tangible benefits from the program and he acknowledged that neighboring counties have used these means to build public facilities, such as schools and community buildings. Mr. Racey said that in 2010 the Governor of Virginia renewed the state's commitment to these projects, which are primarily transportation related. As a part of this renewal, the Governor developed a very standard process for project screening and prioritization of projects, as well as a source of funding for establishing a dedicated "P3" office in Richmond. Last December the Governor clarified that the new office would be called the Office of Transportation- Public, Private, Partnerships dedicated to roads, rail, transit, transportation, marine port, aviation, etc. The goals of this program are to expedite the delivery of projects, encourage competition and innovation in private sector investment, and develop a consistency for these projects to be used at any level of government. Also, the program looks to efficiently manage the Commonwealth's resources and to most importantly look for cost efficiency. Mr. Racey provided the website and some handouts for Council members who would like to do some further research on the program.

Mr. Racey said that some of the towns anticipated future projects have become somewhat public knowledge. Mr. Racey explained that he believes the Town could possibly receive an unsolicited proposal from a public, private partnership to potentially combine these projects. This combining of projects would eliminate the duplication of efforts concerning construction and engineering, thus eliminating redundancies. Mr. Racey said that he has contacted the Director of this program and asked some questions about how a project would qualify for this program. He was instructed to complete a free screening that involves developing a scoping document of the projects. Along with this document, a letter in support of this from the Mayor or Town Manager would be needed. These documents would be sent in for a free screening to determine if this program is a possibility.

Mr. Racey said that when looking at the two proposed projects combined, the cost will reach nearly \$2.9 million in construction and engineering. He further explained that of this cost, both projects would include about a half million dollars in engineering and contingencies. Mr. Racey said that two stand alone projects would involve some duplication of efforts and stressed that this is costly. He recognized that the Town of Luray would most likely want to save some funds where possible. Mr. Racey said that he understands that the town would want to do this the most efficient way possible and would like to continue to be fiscally responsible in how they manage the town. Overall, Mr. Racey said that he thinks there is no harm in proposing these options to the Virginia 3P Program. He would like to keep Council informed on this process and wants to

request a letter to accompany the two page document for submission in the free screening process.

Mayor Presgraves confirmed that what Mr. Racey is proposing would combine two projects into one. Mr. Racey explained that the screening process could reveal that the two projects can't be combined; but there is no harm in trying to combine the two in order to reduce costs. Councilman Schiro said that one of the most attractive features of the program is to streamline the procurement and engineering process. Councilman Arrington stated that if Mr. Racey is willing to do this on behalf of the Town he is uncertain of why there would be any question on endorsing this. Councilman Racer agreed with Mr. Arrington. Councilwoman Menefee then addressed a few questions to Mr. Racey regarding the parties involved and the reporting process for the project. Councilman Schiro confirmed that this process also allows for the acceptance of unsolicited bids. Mr. Racey said that the construction market is definitely looking for projects and that there is already some interest. Councilman Racer suggested that Council members agree to go ahead with Mr. Racey's idea.

Motion: Councilman Racer motioned to authorize Pat Racey, Racey Engineering, to proceed with the screening process for the Virginia 3P Program as discussed, Councilman Arrington seconded the motion with the following members voting YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Pam Flasch- Bicentennial Committee Update

Ms. Pam Flasch came before Council to show a prototype of banner art for downtown. The artwork was taken from a photograph and transferred to a more simplified drawing. The background would be a burgundy flag with white lettering/graphics. She explained that the artwork would not represent any particular season and could be used all year long. The banner would show the year of the town's founding and would make the banners usable for many years in the future. Ms. Flasch also told the town that the vendor she plans to use will be able to provide them at a much less expensive cost. She also explained that the lead time needed for the project will be about half. Ms. Flasch said that she plans to be back at the regularly scheduled meeting and will have more information on all aspects of the Bicentennial at that time.

Airport

Mr. Powell Markowitz said that he had several items for this evenings meeting. He reminded that the Council has a public hearing scheduled for the regular Council meeting for the acceptance of some DOAV grants. Mr. Markowitz provided Council members with a worksheet that showed the projects and their associated DOAV funding. These projects included the jet fuel tank, aircraft tug, rotary broom, and SPCC Plan update. Mr. Markowitz said that Page County has agreed to allow the airport commission to use the tax dollars from aircraft revenues for the needed funds. Mr. Markowitz said that these grants can be approved contingent upon Page County's approval of the use of these tax revenues. Councilman Racer confirmed with Mr. Markowitz that these items are at no cost to the town. Mr. Markowitz said that there would be no cost to the town or county.

Mr. Markowitz said that the next item of business is the Resolution for the Extension of the runway at the Luray Caverns Airport. Mr. Markowitz explained the loss of about 200 feet of runway and said that this area will be reclaimed when the roadway is eventually moved. Mr. Markowitz explained that there is a licensing procedure required to accomplish this. Therefore, he is requesting Council approve this resolution to show owner support. He added that he and Bryan McKeehan, Delta Engineering Consultant, have been working on this and drafted the associated resolution. Councilman Schiro asked if there is a cost implication associated with approving the resolution. Mr. Markowitz said that the resolution does not obligate the town to any funding. Mayor Presgraves said that this item will be placed on the November 14th agenda for Council's decision.

Town Planner Report

Town Planner, Ligon Webb, said that he has sent an email to VDOT's Staunton office regarding the town's bridge status. Mr. Webb said that the information he received indicated that the bridge will qualify for funding. Mr. Webb said that based on indications from Schwartz and Associates the bridge's rating should qualify the project for a federal grant. Mr. Webb asked Mr. Racey how the concept of combining the two projects would affect the six year plan designation. Mr. Racey explained that part of the process of the 3P Program is to help define funding sources and bring them together. Mr. Webb said that currently we are looking at two separate projects and two different funding plans. Councilman Racer said that the bridge project should be a priority if the two cannot be combined. Mr. Webb said that he looks forward to working with Mr. Racey on this and hearing back from the screening process.

Recycle Centers

Town Manager, Rick Black, said that the town has placed a recycling center at the park and ride and that it has been a big success. He said that people are using the recycling center and the town has been able to collect a lot of recyclables. He added that with more activities that will come in the spring he would like to add one or two recycling centers at the recreation park. He said that currently there is no recycling taking place at the park. Councilman Lancaster suggested looking into purchasing these centers rather than town staff having to construct them. Mayor Presgraves said that they may not be able to be purchased as cheaply as staff can make them. Mr. Black said that he would look into this option. Councilman Schiro suggested checking with vendors such as "Coke" to see if they offer recycling containers through a special program. Staff stated that they would look into this possibility.

Changes or Additions to the Agenda

Mr. Black discussed the concept of paperless agendas. He noted that town staff is working with Patrick Embry of Valley Automation to design a paperless agenda system that will run through the town's website. He said that this would be available on the web and would not require the purchase of any equipment. He said that anyone with internet access would be able to view the agenda and information, and then the information would be displayed for Council during the meetings. Mr. Black said that paper copies could still be available if anyone prefers this, but the paperless agenda capability would exist.

Councilman Racer stated that he was contacted today by an LHS teacher regarding the spilled paint issue on Route 340. He said that the teacher was upset that the students would be made to clean up the paint and was insulted by the police officer who spoke at the school about this. Mr. Racer said that he is simply passing along the information he received. Mr. Black explained that this issue came about after the homecoming football game last Friday night. He said that there was apparently a can of paint that spilled and left a trail from the park and ride to Luray High School. Mr. Black said that staff has tried to remove the paint but has not been able to do so. Mayor Presgraves said that the worst of it is near the park and ride area on Route 340. Councilman Vickers said that the concern from the school is that if the driver is responsible; then this may harm future parent volunteer efforts. Mr. Black said that he was advised that the driver was not responsible, but the students would be. Mayor Presgraves said that he was contacted by the school principal and that he apologized for the problem. The school principal advised him that the school would take care of the cost of the repairs in order to maintain its good relationship with the town. Mayor Presgraves said his two main concerns were the spill near the park and ride area and the spill on the town's crosswalk. Council and Staff discussed that the police officer had gone to the school to find out where the paint came from and what happened. Councilman Racer stated that he was just passing along the complaint received.

Mayor Presgraves advised Council that there are still about \$4,000 dollars in funds remaining unmarked in contributions. He reminded that the Luray Wranglers were offered \$2,000 in matching funds if they could raise this amount. Mayor Presgraves said that he has not heard anything back on this yet. Regardless, he said that this leaves the Council with about \$2,000 remaining uncommitted. He said that upon reading the Page News & Courier's recent information on Page One's efforts to help the community, it is disturbing the number of people that they have helped this year. He would like to see the Town of Luray contribute to Page One, especially since their efforts stay in the county. Councilman Lancaster verified that there are still funds available for any school contributions that may be requested. Councilman Schiro said that the Rotary Club has also been working with Page One and that the great thing is that the funds stay in Page County. He added that the fuel assistance program is very worthwhile and that the sooner Council acts on this the better. Councilman Arrington agreed that he would like to see Council make a contribution. Councilman Lancaster and Councilman Racer agreed that they would like to see the funds earmarked for something. Councilman Arrington said that he understands the food need is the worst. Councilman Racer said he would like to ensure that the donation stays in town. Mayor Presgraves added that he understands both of these items are certainly needed.

Motion: Councilman Schiro motioned to allocate \$1,500 dollars to Page One, specifically to benefit in town families and to direct staff to find out which need is greatest (food or fuel assistance); Councilman Arrington seconded the motion with the following members voting YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Town Attorney

Town Attorney, Jason Spitler, discussed several ordinance amendments that were included in Council's packets. Included in these, were amendments concerning weapons, bows, and air

guns within town limits. Mr. Spitler said these were all discussed at the last meeting and the ordinances are modeled on the state code. Mr. Spitler said that Chief Campbell is also satisfied with these revisions. Mr. Spitler said that Council will also find included amendments concerning the town's vehicle license tax. He said that the goal is to simply make the town's code compatible with existing policies. Councilman Racer asked why the license amount was being raised. Mr. Black explained that the amount is not being raised, these were actually approved in 2006 but the code was not changed to reflect this. Mr. Spitler said that the Council clearly took action on this in 2006 and that this action was recorded clearly in the minutes. The change was made effective and simply did not make it into the code book. Councilman Racer also discussed code section 58-33 referring to throwing stones and missiles into public streets. Mr. Racer asked to have this removed from the Town Code. Mr. Spitler said that he would prepare an ordinance that would remove this from the town code. Mayor Presgraves raised a question about code section dealing with the age limit on pneumatic guns. Mr. Spitler clarified that the age limit of 16 merely requires the supervision of an adult.

Motion: Councilman Arrington motioned to adopt Town Code Section 58-32, 34, 35 as proposed and to direct the Town Attorney to prepare an ordinance repealing Town Code Section 58-33; Councilman Vickers seconded the motion with the following members voting YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Town Attorney, Jason Spitler, requested that Council act on the three proposed ordinance amendments concerning vehicle license fees and taxes.

Motion: Councilman Schiro motioned to adopt Section 82-43, Section 82-44, and Section 82-45 of the Town Code as presented; Councilman Racer seconded the motion with the following members voting YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

EXECUTIVE SESSION

Personnel, Section 2.2-3711.A.1
Disposition or Acquisition of Real Property, Section 2.2-3711.A.3
Investment of Public Funds, Section 2.2-3711.A.6
Legal Matters, Section 2.2-3711.A.7

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing Sections 2.2-3711.A.1, 2.2-3711.A.3, 2.2-3711.A.6, and 2.2-3711.A.7.

Motion: Councilman Racer 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, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Motion: Councilman Arrington motioned to adjourn the closed session and to reconvene in open session; Councilman Racer seconded the motion with the following members voting YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Mayor Presgraves asked members of Council to certify that to the best of their knowledge only matters covered under Sections 2.2-3711.A.1, 2.2-3711.A.3, 2.2-3711.A.6, and 2.2-3711.A.7. were heard, discussed, or considered during the closed session. **The roll was called with all members certifying “Yes”.**

Mayor Presgraves asked if Council members would like to take action on the Ralph H. Dean Recreation Park.

Motion: Councilman Schiro directed staff, including the Town Manager and Town Attorney, to amend the contract that was presented to the Little League concerning the Ralph H. Dean Recreation Park for the upcoming season to provide for the Town of Luray to take over the concession operations and to determine an absolute date, within a reasonable period of time, for which the contract must be executed regarding field facility usage. Councilman Arrington seconded the motion with the following members voting YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Motion: Councilman Schiro amended his previous motion to state that the Town of Luray’s net proceeds from the concession stand sales be applied against the debt owed to the Town from the Little League; Councilman Vickers seconded the motion with the following members voting YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Adjourn

There being no further business, Mayor Presgraves adjourned the work session of the Town Council at approximately 8:15 pm.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer