

**MINUTES OF A TOWN COUNCIL WORK SESSION
TOWN OF LURAY, VIRGINIA
Tuesday, March 22, 2011**

The Luray Town Council met in a work session on Tuesday, March 22, 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
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
Judy Suddith, Lord Fairfax Community College**

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 Town Manager, Rick Black, requested that one change be made to the agenda. Mr. Black requested to discuss the Lake Arrowhead Survey as it relates to the Hulver and Griffith properties.

Lord Fairfax Community College

Ms. Judy Suddith, Lord Fairfax Community College, provided Council with information on the 2011 Lawn Jam. The charity event will be held at the Luray Campus and will be a non-alcoholic event. This event will act as a fundraiser for several local charities. Ms. Suddith asked that Council and Staff members call her with additional questions or concerns and requested that police patrol the area during the event. Mayor Presgraves also said that the Town would place the information on Channel 15 for community advertisements.

Ms. Suddith said that over 200 students are enrolled in the Spring Semester at the LFCC Luray Campus. She said that if the broadband authority were to provide the campus with a drop, this would be a great

service to the site. Ms. Suddith added that additional space is still needed at the campus and that a student lounge would be a terrific addition.

Page County Broadband Authority (PCBA)

Town Manager, Rick Black, discussed the broadband lease agreement and offered some revisions to the contract. Mr. Black suggested that the twenty year term may be too lengthy and that he also wants to ensure that this will include a fiber optic drop at town hall. Also, he wants to be certain that Shentel will provide the service and that the town will not be paying monthly fees for the service. Mr. Black stated that he does not feel any of these requests are unreasonable. Mr. Black asked the Town Attorney if a public hearing was necessary since the broadband authority is an authority of the Commonwealth of Virginia. Mayor Presgraves asked if a twenty year term is customary. Councilman Racer said that in terms of technology, ten years would be more than plenty. Mr. Black said that the point of presence location would be a concrete building on the town's property. Mr. Spitler advised Mr. Black that he too would agree to a ten year term and said the matter would be exempt from a public hearing. Mayor Presgraves advised that if these requests are agreeable, Mr. Black should bring this back to Council for a vote at the April meeting.

Town Planner Report

Town Planner, Ligon Webb, reported on the special use permit application from Mr. John Rutt, Rutt Enterprises. The applicant is requesting a special use permit to operate a food pantry/warehouse on behalf of the Page One Family Assistance Program. The warehouse would include a food pantry and small office area. The owner is installing a fire wall in order to meet building code regulations. Mr. Webb advised that there were no issues from the Planning Commission and that the permit was approved by a 7-0 vote at the last meeting.

Mr. Webb handed out a draft proffer statement for the proposed Page Memorial Hospital rezoning. The draft letter was provided by the developer with a list of conditions. Mr. Webb explained that the developer hopes to start construction by the end of 2012. The developer is offering to build a right turn lane at the intersection of Memorial Drive and West Main Street. The Planning Commission has concern that the right-of-way acquisition for the turn lane would be the sole responsibility of the Town of Luray. Mr. Webb believes that Mr. Modjeska would be willing to dedicate the right-of-way space for the right turn lane. Mr. Webb said that he hopes to work with the Planning Commission to come up with a list of three options for the acquisition of the property if no agreement can be reached with Mr. Modjeska. Councilman Racer asked how a right turn lane was going to help the traffic situation on Main Street. Councilman Schiro said that Mr. Webb is suggesting sliding the entire intersection over. Mayor Presgraves said that he feels the road improvements would only enhance Mr. Modjeska's property. Town Manager, Rick Black, advised that depending on the nature of the development of Mr. Modjeska's property; additional traffic could be a result. He stressed that this would not eliminate the need for Mr. Modjeska to contribute to an extent beyond the property dedication for the turn lane. Councilman Lancaster advised that VDOT should be contacted for their input. Mr. Black agreed that the Town would absolutely want to involve VDOT to look at these traffic concerns. Town Planner, Ligon Webb, plans to schedule a meeting with Jeff Lineberry of VDOT; all Council members are welcome to attend. Mr. Webb said that it is probably not a good idea to release Mr. Modjeska from his responsibilities to assist with future improvements. Councilman Lancaster said he did not agree with the

Town having to purchase the property either. Mr. Webb said that his impression from Page Memorial Hospital is that they would like for the Town to purchase the property needed to make the turn lane. Mayor Presgraves asked if any consideration had been given to providing for sidewalks. Mr. Webb said that the commission has discussed this and would like to see that take place eventually. He hopes that this could tie into the development of townhouses at MontVue. Mayor Presgraves stressed that the hospital improvements are vital to the town and community. Councilman Lancaster said that the town may require that the sidewalks be included in the project. Council continued to discuss the traffic concerns and the lack of site distance. They concurred that moving the entire intersection down may be the best option. Councilman Vickers said that the hospital should want the best looking entrance to their facility and the safest option available. Mayor Presgraves said that in the overall scheme of the project costs, the right of way acquisition cost for the road improvements are minimal. Mr. Webb stressed that he is trying to find a way to make this agreeable to all parties.

Mr. Webb discussed the modifications to the Town Code as they relate to electronic offices, home occupations and professional offices. He stated that this is something the Planning Commission has been working on for the last couple of months. He said that the town does receive a lot of requests for this type of business. He said that many people work from home and apply for business licenses. He advised that the term "electronic office" would be appropriate for businesses such as accounting, correspondence, research, editing, and other business that can be accomplished by the use of home office equipment. The proposed change would allow for "electronic offices" to be valid in all zoning districts. The next recommendation is for the definition of "home occupation" to be added as a "use by special permit" in all zoning districts except R1 and as a by-right use in the B1 zoning district. The definition of "home occupation" allows for one outside employee who does not reside in the home. The term "professional offices" would remain a by-right use in the B1 zoning district and by special use permit in the R3 and R4 zoning districts. The "professional office" structure would allow for employees and is designed for use among business, clerical, professional, or technical services. Mr. Webb said that if Council is interested in adopting these terms he will take this back to the commission one more time, then advertise for public hearing.

Traffic Concerns

Town Manager, Rick Black, told Council he had received a letter from Ms. Cassie Mauck who owns The Looking Glass Salon. He said that currently the two hour parking limit stops at the railroad tracks. The proposal is to extend the parking all the way out to Williams Street. Ms. Mauck would like to at least have parking restricted to two hours in front of her business at 229 East Main Street. Councilman Racer asked if this provision is made for all businesses or only those that make a special request. Councilman Lancaster said that restricted parking in a few select areas would make it very difficult to enforce. He said that this business does have off-street parking and has handicapped parking as well. Councilman Schiro said that we have made concessions for those businesses that have requested this in the past, but to extend parking all the way up to Williams Street would create a lot of problems. Councilman Lancaster explained that the problem in this case is with a neighbor parking in front of her business for several days at a time. While he understands that this is upsetting to the owner, she does have off-street parking available. Councilman Schiro reminded that it is a public street and sometimes this is just part of the territory. Councilman Vickers said that if the circumstances were different with the owner having no off street parking this may need further consideration.

Mr. Black said the second traffic concern was received from a citizen requesting a “Duck Crossing” sign on Route 340 close to the intersection of Mechanic Street. Councilman Schiro said that this would not conform to the uniform sign reporting standards. Mr. Black said that a sign may create more of traffic hazard for motorists.

Personnel Policy Manual

Town Manager, Rick Black, said that he has several recommendations for Council’s consideration regarding the Personnel Policy Manual. The first recommendation is to change *section 8.6 Sick Leave, B.e.* to include “parents”. The policy currently reads that “*sick leave shall be granted, in accordance with this policy, to eligible employees for the necessary care and attendance of an employee’s spouse and dependent(s) due to sickness or incapacity up to three days per occurrence*”. Mr. Black has received inquiries from employees on why parents are not included. Mr. Black said he personally thinks this is a good idea for employees to be able to take a parent to doctor appointments, etc. Councilman Racer said that three days may be too much. However, Councilman Schiro and Councilwoman Menefee reminded that the employee must already have the time on the books to use. Councilman Lancaster said he thinks sick leave is the most abused thing in the world and that it costs us all money. Councilwoman Menefee asked if anyone knew what the policy was for state employees. Mr. Black said that state employees are given five personal days. Councilman Vickers asked about the current policy. Mr. Black reminded that in some cases a parent may qualify as a dependent if they live with the employee. Councilman Lancaster said that with the economy the way it is and we are talking about raising taxes; this is one of the last things we should be talking about. Councilman Vickers advised that if an employee has a parent who is ill and they are constantly taking off work to transport them to doctor’s appointments, he can certainly understand how the employee would feel. He explained that the school system considers this the use of personal days. Councilwoman Menefee reminded that we are not providing any additional days, only the permitted use of the existing days on the books.

The second change that Mr. Black recommended involves *Sick Leave at Retirement*. The current policy reads that “*Retirement from service with the Town, an employee will be paid for unused sick leave up to a maximum of \$2500.00*”. Mr. Black is proposing increasing this from \$2500.00 to \$5000.00 provided that the employee has twenty years of service with the Town and more than 600 hours of unused sick leave on the date of his/her retirement. He explained that basically this would double the amount of sick leave that the employee can be paid for. Councilman Vickers said that this will encourage employees not to use sick leave unnecessarily. Mr. Vickers said that the town will also have to budget for this. Councilman Schiro asked if it would be possible to put some numbers to this proposal and come up with some estimates for what this would cost the town. Mr. Black agreed to calculate these costs.

Lastly, Mr. Black suggested an employee recognition program for 5,10,15,20, etc. years of service. He suggested perhaps giving an employee an additional day of leave as a form of recognition. Councilman Lancaster suggested buying employees a pin like everyone else does. Mr. Lancaster said that if we keep this up, employees will not work one hundred days per year. He said that he wishes private enterprise could treat vacation and sick leave the same way that the state and federal governments do. Councilman Lancaster said that these businesses simply cannot afford it. Councilman Schiro said that the Town has really good employees that have been employed for a long time and have stayed with us for a long time. He said that if employees know that they will be rewarded they may bank their sick time. Councilman

Vickers suggested the free use of a picnic shelter. Councilman Arrington said that he is in favor of rewarding sick leave that is unused for an employee that has stayed with the town for twenty years. Mayor Presgraves questioned the amount of sick leave that is accrued annually. Ms. Broyles said that employees accrue twelve days of sick leave annually. Mr. Black explained that currently an employee can only be paid for sick leave to a maximum of \$2500.00. Mr. Schiro asked Mr. Black to run some scenarios for about a ten year term. Councilman Arrington said that to achieve this it would take an employee six years of using no sick leave. Councilwoman Menefee asked Mr. Black to come back with some additional recommendations. Councilman Arrington suggested giving an employee their birthday off as a reward for years of service.

Town Attorney

Town Attorney, Jason Spitler, requested to give his report ahead of order on the agenda in an effort to attend the Little League meeting this evening. Mr. Spitler reported that he has revised the moped safety ordinance that was discussed at last week's regular meeting. He said that all things are status quo with Fielder's Choice and that depositions will be scheduled for April. Mr. Spitler was asked to speak on behalf of the quick claim deed from Mr. Janney on behalf of the Griffith family. He said that this was first brought to the town's attention about six months ago by Attorney Mark Reed who represented Mr. and Mrs. Hulver at the time. Essentially the town is helping their neighbors to clarify what has been or may potentially be a boundary dispute. There is approximately a four acre tract that was left out of the deed when Lake Arrowhead was established. In the process of the town surveying the lake property and remarking boundary lines, it was determined that this tract of land had been left out. Mr. Spitler said that he sees nothing adverse to the town's interest; this is merely a correction of a surveying error that occurred many years ago. He advised that a public hearing would not be required as the town is merely clarifying a title issue.

Mr. Spitler said that he has also reviewed the proposed franchise agreement from Comcast. The only initial comment he shared would be to limit the amount of the term in order to maximize the benefit to the town. Councilwoman Menefee confirmed that the town is nearing the expiration date of the last agreement with Comcast. Mr. Spitler said that the agreement conforms to the one that was signed previously but that he continues to review the agreement. Councilman Schiro confirmed with Mr. Spitler that a public hearing would be required on this issue.

FY 2011 – 2012 “Draft” Budget

Town Manager, Rick Black, said that at the last meeting, Council reviewed the budget items in detail and since that time some changes have been made. He advised Council that funds have been increased to consider the additional costs of fuel, electricity, liability and health insurance, Forest Hills improvements, and renovations to the civil war monuments. He advised that fuel and electric costs were increased approximately twenty-five percent due to recent price increases.

Mr. Black reviewed the contributions portion of the budget and said that at the last meeting Council discussed several changes. Councilman Racer asked why the Luray Wranglers remained on the list. Mr. Black said that this donation was proposed and that the organization is applying for a 501C status, if the status is not achieved then no contribution can be made. Mr. Black reminded that there was discussion of contributing to Page One and Habitat for Humanity. He said that Page Memorial Hospital

and the Greenway Foundation were eliminated per Council's request. Mayor Presgraves asked for clarification on the funds to both the Luray Page County Chamber of Commerce and the Tourism Division. Councilman Lancaster said that this used to be one contribution but was divided several years ago. Councilman Vickers asked about the financial status of our local library. Mr. Black said that it is his impression that their funding has been cut. Mr. Vickers stated that he would like to see this area of funding increased. Councilman Lancaster asked Mr. Black to find out what the needs of the library are and what the contribution will be from Page County. Councilman Vickers asked about the contribution to the Luray Wranglers. Mayor Presgraves said that the Luray Wranglers hope to achieve their non-profit status by April. He said that the Luray Wranglers do bring visitors to Luray who will stay, eat, and shop within the town. Mayor Presgraves said this team is an economic benefit and is a benefit to the citizens of the town to have a nice activity to attend. Councilman Racer verified that if they do not become tax exempt then they will not receive funds. Mayor Presgraves said that if they do not obtain this by April then the funds could go toward the Page Public Library. Councilman Vickers asked for explanation on the Disabled Veterans Contribution. Councilman Lancaster explained that this donation began when the organization needed to fund a new van to transport citizens to the veteran's hospital. Mr. Vickers said that this is a vital need because there is no longer a community transportation system in place. Councilman Lancaster asked Mr. Black to also check into the needs of the Disabled Veterans and questioned what items are most needed by Page One.

Town Manager, Rick Black, continued to review budget highlights. Councilwoman Menefee asked about the decrease in expenditures in the Treasurer's budget. Treasurer Broyles said that the expenditures for the credit card fees will be offset in the revenue line item.

Council and Staff discussed the importance and structure of the safety program and how the program saves the town money on its liability insurance.

Mr. Black reminded that there will be elections in 2012 which necessitates funds for the Board of Elections account.

Mr. Black briefly reviewed the Police department budget. The only area that was questioned was the increase in the line item for Police Range Supplies. Mr. Black explained that there has been a significant increase in the costs for ammunition.

Mayor Presgraves asked if there are plans to purchase a vehicle for the WWTP. Mr. Black said the plans are to replace the car that was totaled in a traffic accident last year. Mayor Presgraves and Councilman Schiro asked why there were plans to purchase a car rather than a truck. Mr. Black explained that it was more cost effective to use a sedan for travel and training purposes. Mayor Presgraves asked if the sedan and explorer that are in the administrative department could be used for these purposes. Mr. Black was instructed to remove the purchase of a vehicle for the WWTP from the budget.

Council and staff discussed VDOT funding and plans to repair the Main Street Bridge. Mr. Black explained that the VDOT funding includes sidewalk repairs, paving, snow removal, and other areas of work. Councilman Vickers asked about funding for the Main Street Bridge. Mr. Black said that this would be included as a part of the capital budget.

Councilman Vickers asked if the town had budgeted enough funds for recycling. Mr. Webb explained that glass is still being recycled, however it is not being sent away. Mr. Webb said that the crushed glass is being used for ground cover that is needed on site at the landfill. Councilman Schiro asked about the landfill tipping fees and how they will affect town citizens. Mr. Black explained that these fees will be charged to all taxpayers on their county tax bill. Mr. Schiro said it is important that the town make citizens aware that this fee is entirely separate than what the town pays to Waste Management for the service of trash collection. Mr. Schiro said that there is a big misconception that this is a double fee for citizens. Councilman Lancaster asked about the items that are still being recycled. Mr. Webb updated Council that there have been a lot of changes; the landfill is now recycling plastics one through seven. Council members said that it is important for citizens to be made aware of the changes in recycling. Mr. Webb reminded that the county does take care of picking up the roll off bins for the town at no charge; if this service were outsourced it would be too expensive to conduct the program.

Town Manager, Rick Black, presented information on the line of duty fund. He said that the General Assembly has passed this on to all localities for all employees and volunteers of police, fire, rescue, and National Guard organizations. This is an amount that has to be paid per individual; however the problem is that there is no definition or structure for defining members. Mr. Black said that the amount is according to a VRS chart and for the next four years the cost will increase at a rate of fifty percent per year. He explained that the county also is responsible for this but there are no guidelines for how these costs will be allocated. Mr. Black said that VML will offer this coverage and that he has included the worst possible number as an estimate. Mayor Presgraves says that we may find this more prevalent in the coming years for things to be passed on to localities.

Councilman Vickers inquired about the funds appropriated for the Luray Depot. Mr. Black said that in 2009 the town applied for Phase IV of the grant application. In 2011 we hope to apply for Phase V grant project funds. These funds would complete the remainder of the restoration at the depot. So far the town has not been authorized to spend any of these funds.

Councilwoman Menefee asked about the funds needed for monument restoration. Mr. Black said that the town's auditing consultant, Mary K. Earhart, will be meeting with staff to develop a capital budget plan that would allow for such projects.

Mr. Black discussed plans to apply for grant funding from the department of forestry for greenway improvements. Councilman Lancaster asked why a restroom facility could not be built at the plaza or parking lot with previous grant funds but is now a consideration. Assistant Town Manager, Bryan Chrisman, said that those funds were restricted in use and could not be utilized for those restroom locations. The first grant could only be used to construct restroom facilities specifically for trail users. He said that although the grants are from the same entity they hold different restrictions.

Councilwoman Menefee asked if the funding for Luray Downtown Initiative had been decreased. Mr. Lancaster said that recent meetings advised that 1/3 of funds should come from the town, 1/3 from the merchants, and the last 1/3 from fundraising efforts. Councilman Schiro said that Virginia Main Street does not really want the town to be the controlling factor in the program or to depend on government funds for operations. He said that under this theory the funds could be reduced to under \$40,000 dollars in term of LDI's overall operating budget. Mr. Schiro said that if the town could reach an agreement

with the chamber to house the office space for LDI that costs could be farther reduced. Councilman Racer said that he preferred that the office not be moved off of Main Street.

Councilman Racer asked about the funds for “project expenses”. Town Manager, Rick Black, stated that this funding was primarily for the Roadtrip to History movie. Mr. Black says this is a project that he really wants to see the town move forward with and he thinks this would be great timing with the Luray Bicentennial.

Mayor Presgraves returned to the discussion of LDI funding and asked what Council’s determination was. Council agreed to contribute \$35,000 in funding for LDI.

Town Manger, Rick Black, reviewed the town’s debt service obligation. Councilman Vickers stated that he would like for the Luray Little League to see the town’s figures for debt service for the softball project. Mr. Black said a meeting is scheduled with the Little League on April 26th.

Council and Staff discussed the replacement of old water meters and the need for a schedule of replacement.

Councilwoman Menefee verified with Mr. Black that this draft of the budget has increased an overall \$180,000 in expenses.

Bicentennial 2012

Town Manager, Rick Black, discussed the plans for the Luray Bicentennial. He would like to use this event to showcase the Luray Depot by having this project complete and scheduling a grand opening. Mr. Black said that Karen Riddle is still working with the town on plans for the event and that a committee is being formed. Mayor Presgraves added that Ms. Riddle is working “pro-bono” on the event. Councilman Vickers said that projects will be taking place in the schools to recognize the event also. Councilman Racer added that the Roadtrip to History movie needs to be complete also. Mayor Presgraves added that the biggest shortage for the event is funds.

Adjourn

There being no further business, Mayor Presgraves adjourned the work session of the Town Council at approximately 7:58 pm.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer