

**A REGULAR MEETING OF
THE TOWN COUNCIL
OF THE TOWN OF LURAY, PAGE COUNTY, VIRGINIA**

MONDAY, JUNE 13, 2011

The Luray Town Council met in regular session on Monday, June 13, 2011 at 7:00 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
Mary Menefee
Leroy Lancaster
Jerry Schiro
Earl Racer

Council Absent: Lonnie Arrington

Also Present: Rick Black, Town Manager
Bryan Chrisman, Assistant Town Manager
Mary Broyles, Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Jason Spitler, Town Attorney
Ligon Webb, Town Planner
Lynn Mathews, Superintendent of Public Works
Page Campbell, Chief of Police
Charlie Hoke, Director of Utilities
Pat O'Brien, Director of Parks and Recreation
Liz Lewis, Luray Downtown Initiative
Briana Campbell, Luray-Page County Chamber of Commerce
Martha Shickel, Northern Shenandoah Valley Regional Commission
Chase Suddith, Intern-Town of Luray

A quorum being present, Mayor Barry Presgraves declared the Council to be in session for the transaction of business. All present stood for a moment of silence. Councilman Schiro led everyone in reciting the United States Pledge of Allegiance.

CONSENT AGENDA

Motion: Councilman Schiro motioned to approve the Consent Agenda, motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Schiro, Racer. **Approved 5-0**

Consent Agenda

- A) Minutes of May 9, 2011 Regular Council Meeting.*
- B) Minutes of May 24, 2011 Work Session.*
- C) Financial Report for the period May 1 –31, 2011.*
- C) Accounts payable checks totaling \$ 233,307.80.*

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Liz Lewis told Council that she had received positive feedback on the Festival of Spring. She thanked the town crews for their help and said that visitors liked the “food court” concept. Ms. Lewis advised that next year she hopes to move the wine garden area, music area, and children’s activities to different locations. Also, she plans to shorten the event hours to 10am-4pm.

Ms. Lewis said that she will be assisting in the Bicentennial planning by designing a logo, slogan, and advertising. Ms. Lewis said that she and Briana Campbell will be assisting Pam Flasch who is spearheading the event. She also said that the community forums have been rescheduled for noon and 6:00pm on June 23, 2011. Ms. Lewis, along with Council and staff, discussed the logo for the event and the upcoming advertising deadlines. Councilwoman Menefee asked if there would be an approval process for these designs. Council and staff discussed that some deadlines may be too soon to allow the committee to vote on these, as the committee is still being formed. Director of Parks and Recreation, Pat O’Brien agreed with Councilwoman Menefee that the Council members should have some influence on these designs. Ms. Lewis said that one of the deadlines is quickly approaching and the committee will not be organized before that time.

Ms. Lewis said that LDI continues to pursue grant funding for various projects. She stated that there are several positions open on the LDI board and that plans are underway for the Toast and Boast Celebration. Ms. Lewis hopes to change the event to a “block party” style event. Also, she advised Council that the new downtown rack cards are nearly complete and that work continues on the July 4th event, Triathlon, and other race events.

Luray/Page County Chamber of Commerce

Ms. Briana Campbell reviewed the statistics for May, citing 643 local calls, 326 local walk-ins, 350 tourist calls, and 2003 tourist walk-ins. Ms. Campbell said that the Page County Grown meeting is also being held this evening and that labels, shirt, and other marketing items are in place. Ms. Campbell said that the next Business After Hours event will be held at Bren’s on Main Street.

Ms. Campbell discussed a current project that the Chamber is working on; this project will create a menu binder/ book for the front desk. The book will include area restaurant menus to assist travelers in selecting area restaurants.

Ms. Campbell said that the Shenandoah National Park rededication is coming up on June 25th and that she will be attending to provide a slideshow and brochures at the Chamber's booth area. Ms. Campbell also advised that she will be assisting with the Bicentennial, as earlier mentioned by Ms. Lewis.

Lastly, Councilman Vickers inquired about the Page County Grown logo/items. Ms. Campbell said that several restaurants will feature this logo on their menus and that products will be labeled at the Farmer's Market and in several stores.

TOWN ATTORNEY'S REPORT

Drought Ordinance

Mayor Presgraves requested to move ahead on the agenda to the discussion regarding the Drought Ordinance. Mayor Presgraves cited that Ms. Martha Shickel, Executive Director- NSVRC, was in attendance at the evening's meeting. Town Attorney, Jason Spitler, advised of only one change to the language of the document concerning the language for separate offenses. Mr. Spitler said that this had been reviewed in detail at a previous work session. He advised that he and Mr. Chrisman have shared a great deal of communication in preparing the ordinance and that Mr. Chrisman has worked very hard on this document. Mr. Spitler said that he has reviewed the state code and the document is in compliance. Councilman Schiro complimented Mr. Chrisman's work on creating the ordinance.

Motion: Councilman Schiro motioned to approve the Drought/Low Water Supply Response Ordinance, motion seconded by Councilwoman Menefee with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Schiro, Racer. **Approved 5-0**

Motion: Councilwoman Menefee motioned to approve the Drought/Low Water Supply Response Ordinance – Penalties and Fee Schedule, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Schiro, Racer. **Approved 5-0**

Motion: Councilman Vickers motioned to approve the Drought/Low Water Supply Response Plan Resolution of the Mayor and Town Council, motion seconded by Councilwoman Menefee with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Schiro, Racer. **Approved 5-0**

Lastly, Ms. Martha Shickel of the Northern Shenandoah Valley Regional Commission thanked the Council for their action on these matters and stated that Luray is acting as a leader in this initiative as the town is the first to formally adopt this legislation.

DEPARTMENTAL REPORTS

POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES

Police Chief, Page Campbell, stated that there were 91 arrests for the month of May. He added that this number saw an increase due to the Click-It-Or-Ticket campaign. He advised Council that the seat-belt awareness program provided grant funding for seventy-five hours of overtime. Chief Campbell said that the newest patrol officer, Mr. Owens will begin attending the academy the first week in July and will complete his training in approximately seventeen weeks.

PARKS AND RECREATION

Pat O'Brien, Director of Parks and Recreation, briefed Council on a recent group of visitors from southwestern Virginia who toured the Greenway. He advised members that another group of officials will be coming from the Washington D.C. area to also look at the trail. Mr. O'Brien explained that this group will determine additional funding possibilities. Mr. O'Brien informed Council members that Vicki Pitts was reappointed to the Tree and Beautification Committee. Mr. O'Brien presented a design rendering of a new sign that will be provided by stimulus funds. He told Council that the sign will be educational in nature and will explain the permeable paver parking lot concept. Mr. O'Brien provided a copy of a card designed by Chris Anderson that depicts the Hawksbill Greenway and these will be available for purchase. He advised Council and Staff that the Summer Concert Series is going well and a concert is scheduled for this Friday. Lastly, Mr. O'Brien and Councilman Lancaster discussed replanting the water garden on Phase IV of the Greenway at the permeable paver lot.

PUBLIC WORKS DEPARTMENT

Lynn Mathews, Superintendent of Public Works, said that the department repaired seven water leaks and repaired one sewer line. Also, the department has scheduled another line repair for tomorrow. Mr. Mathews said that his department responded to a total of five sewer calls and installed a cleanout at 7 West Old Barn Road. Upcoming projects for the department include displaying flags and summer banners, storm drainage work, and assisting with paving projects. Council members agreed to leave the U.S. flags up from now until the July 4th Holiday, rather than installing the summer banners for a short time and then re-displaying the flags.

WTP AND WWTP

Charlie Hoke, Director of Utilities, stated that the Wastewater Treatment Plant was in full compliance. He stated that all punch list items had been completed regarding the upgrades to the facility. Mr. Hoke advised that the only remaining items are the new pumps that are awaiting delivery. He emphasized that these pumps will replace the existing ones and will not be paid for by the Town.

Mr. Hoke said the Water Treatment Plant continues to operate as designed. He said that the project of implementing the variable frequency drive is now complete. Lastly, Mr. Hoke said that the system is operating very well and that all samples in the distribution system came back negative.

PLANNING

Town Planner, Ligon Webb, advised Council members that the Planning Commission will not be meeting in June. He stated that at the July meeting members will discuss ordinance amendments relating to electronic/home offices and also animals/livestock.

Mr. Webb advised that Council will need to consider VDOT's funding for Luray's 6 Year Improvement Plan. Mr. Webb advised Council that between now and July, Council and Staff will need to prepare a list of possible improvements. He said that most improvements will likely center around the Leaksville Road, Northcott Drive, and West Main Street areas. Mr. Webb said he will also request input from Pat Racey of Racey Engineering on these improvements. Councilman Vickers asked for some clarification on the source of this funding. Mr. Webb advised that the funding available is through VDOT and is not paid for by town tax revenues.

Town Planner, Ligon Webb, discussed the plans for monument repairs and hopes to complete a "scope of work" within the next few weeks. Mr. Webb said that this will be reviewed at the June work session. Councilwoman Menefee asked if a project timeline could be developed. Mr. Webb said that once a scope of work is complete a timeline could be put together. Town Attorney, Jason Spittler, said that a timeline could be included in the request for proposal.

OLD BUSINESS

FY 2011-2012 Budget

Town Manager, Rick Black, told Council members that the proposed budget will need to be adopted before June 30th. The proposed budget provides for a 2.5% Cost of Living Adjustment for all employees, no Water and Sewer Fee increases, no Refuse Fee increase, and a \$0.02 per \$100.00 of assessed value increase on Real Estate Tax.

Motion: Councilman Vickers motioned to approve the July 1, 2011 – June 30, 2012 Budget as presented, motion seconded by Councilwoman Menefee with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Schiro, NAY: Racer. **Approved 4-1**

Line of Duty Act (VML)

Town Manger, Rick Black, explained how the Line of Duty Act came about and how the responsibility shifted from the state to local level. Mr. Black reminded that Council has discussed this topic several times and that proposals have been received from both VRS and VML. Mr. Black advised that a proposal must be adopted by June 30th. He informed Council that regardless of those options, the Town is responsible for its paid police personnel. Mr. Black said that currently Page County has agreed to be the responsible party for all fire and rescue volunteers within the county. Page County has proposed that there be a prorated fee for each locality. The town's share is estimated at about \$1400.00 for the first year. Mr. Black said that Page County had never considered funding the entire amount. Councilman Racer inquired if the cost was a one-time only amount. Mr. Black responded that the amount is based on annual fees. He said that the figure would be prorated per the number of calls within the town limits. Mr. Black explained that the VRS policy is a pay as you go policy; while the VML and VACO policies are insurance type policies. Councilman Lancaster argued that we all pay county taxes and that this money should come out of county funds. Councilman Lancaster said that he agrees with the town paying for coverage for its paid employees. However, he has checked with other neighboring counties and they are providing the entire amount of funding. Mayor Presgraves said that he understands this position but feels it is a better alternative than the town being responsible for the entire amount of

funding. Councilwoman Menefee asked if this is an annual commitment. Mr. Black said that the negotiations of the percentage reimbursed to the County could be discussed annually. However, he emphasized that this is a one-time deal; either opt in to VML, or be automatically put into VRS. Then if one opts out of VRS, there is no coverage possible. Councilman Lancaster stated that he would still like to discuss this with the Board of Supervisors. Councilman Racer agreed with Mr. Lancaster on this issue. Councilman Schiro asked if there are any other options. Mr. Black restated that he was advised by Mark Belton, County Administrator, that paying the entire amount was never an option. Councilwoman Menefee asked if this can be discussed further at the work session meeting. Mr. Black advised that regardless, a decision must be made by June 30, 2011.

Motion: Councilman Lancaster motioned to table this discussion until the Council Work Session meeting on June 28th, 2011, motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Schiro, Racer. **Approved 5-0**

Councilman Schiro asked what the procedure would be for this, if town staff or Council members would present this argument. Councilman Lancaster discussed information received from other towns within the county. Council instructed Mr. Black to talk with the other towns and find out their plans.

Smoking at Ralph H. Dean Recreation Park

Town Manager, Rick Black, provided Council with an aerial view map of the R.H. Dean Park. Mr. Black recommended that if the town is going to allow smoking at the park that there be designated areas. Mr. Black suggested the asphalt spaces would be the best location for designated smoking areas. Councilman Lancaster asked about banning smoking only in seating areas. Mr. O'Brien said that signs are already in place in the bleacher areas. Councilman Schiro asked who would be responsible for enforcing these rules. Councilman Racer argued that the park has been partially funded by cigarette tax revenues and therefore should not be smoke free. He also expressed concern that our police officers likely have something better to do than enforce the smoking ban. Chief Campbell said that he sympathizes with Pat's crew for the clean-up issues that this creates. However, he said that this is an open air environment and that he has not seen a problem with smoking in the stands. Chief Campbell stated that he feels Council would be creating rules that are not enforceable. Mayor Presgraves pointed out that the Little League brought this issue before them for action on this matter. Town Attorney, Jason Spitler, said that the Little League regulations require that their organization be smoke free and has passed a resolution supporting this. Mr. O'Brien suggested banning smoking on the fields, in dugouts, and in the bleachers during all Little League activities. Councilman Schiro agreed that smoking could be banned in the field structures but agreed that open spaces are not a possibility. Mr. O'Brien requested that his employees not be responsible for any enforcement of potential regulations. Town Manager, Rick Black, concluded the discussions by determining that the Town can continue with the current regulations and possibly add more signs if needed.

Councilman Lancaster questioned why there were no concession stands open this weekend with the large volume of people at the park. Mr. Spitler advised that he was at the park on Saturday and that he was surprised to find that games were scheduled all day with no concessions open. He informed Councilman Lancaster that once the problem was recognized several parents volunteered and opened the concession stands. He said that unfortunately with the end of the season near, volunteer enthusiasm is decreasing. Mr. Spitler said that some teams have not fulfilled their obligation of working the

concession stand. Chief Campbell said that this problem has happened more than once this season and perhaps this issue needs to be revisited before next year. Councilman Schiro expressed concern about the stands being open for upcoming tournaments. Councilman Lancaster stated that there are many local organizations that would like an opportunity to work these concession stands.

NEW BUSINESS

Personal Property Tax Relief Resolution

Town Manager, Rick Black, recommended that Council approve the Personal Property Tax Relief Resolution. The resolution provides that personal vehicles valued less than \$20,000 have no tax assessed, while personal vehicles assessed at greater than \$20,000 have tax assessed on the overage.

Motion: Councilman Racer motioned to approve the Personal Property Tax Relief Resolution as discussed, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Schiro, Racer. **Approved 5-0**

GASB 54 Resolution

Town Manager, Rick Black, advised Council members on a policy developed by the town's auditors in order to comply with federal guidelines regarding fund balances. Mr. Black provided information explaining GASB 54 and how it relates to new standards for governmental agencies.

Motion: Councilman Racer motioned to approve the GASB 54 Resolution, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Schiro, Racer. **Approved 5-0**

Capital Improvement Project Fund Resolution

Mr. Black presented the resolution to establish Capital Improvement Project funds as recommended from the town's audit review. Mr. Black explained that the resolution will establish these funds for next year's budget and will allow funds to be applied to them annually. Mr. Black recommended that these funds be separated for water, sewer, and general accounts.

Motion: Councilwoman Menefee motioned to approve the Capital Improvement Project Fund Resolution, motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Schiro, Racer. **Approved 5-0**

Adjusting Entries for Year End FY 2010-2011

Town Manager, Rick Black, discussed the adjusting entries that will need to be made to move funds within the budget to balance individual line item expenditures. Mr. Black told Council that the Town will also need to advertise for a public hearing to address shortages in the CDBG project funds and in the Water Treatment project funds. Mr. Black said that due to litigation regarding the water treatment plant upgrades, some invoices were held over into the current budget year. The public hearing will be scheduled for the June 28th Council Work Session.

Motion: Councilman Vickers motioned to approve the adjusting entries for FY 2010-2011, motion seconded by Councilwoman Menefee with the vote as follows: YEA: Council Members Vickers, Menefee, Lancaster, Schiro, Racer. **Approved 5-0**

TOWN ATTORNEY'S REPORT

Town Attorney, Jason Spitler, presented Council with a proposed Noise Ordinance amendment. Mr. Spitler said that this draft was in response to requests from the police department regarding the enforcement of the current code. Mr. Spitler advised that the current ordinance is not enforceable according to the Virginia State Code. Council members inquired about provisions within the ordinance to allow for government related activities that may occur outside the time constraints mentioned. Council members agreed that these types of activities may include construction projects, road improvements, and street sweeping and should be mentioned in the language of the ordinance. Councilman Racer said that there seem to be no exceptions in the document for organized events. Town Attorney, Jason Spitler, said that he can revisit these items if needed, however Chief Campbell may want to see Council move ahead with this ordinance revision. Chief Campbell said that Council should not approve this until they are comfortable with the changes discussed. Mr. Spitler agreed to bring this back for the Council work session and then approval at the next Regular Council Meeting.

Town Attorney, Jason Spitler, requested a motion to convene in Executive Session.

EXECUTIVE SESSION

Legal Consultation, Section 2.2-3711.A.7 – Probable Litigation

Town Attorney, Jason Spitler, requested a motion to adjourn into Executive Session for the purpose of discussing Section 2.2-3711.A.7.

Motion: Councilman Lancaster motioned to recess the regular session and to convene in executive session; Councilman Racer seconded the motion with the following members voting YEA: Council Members Vickers, Menefee, Lancaster, Schiro, Racer. **Approved 5-0**

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 Vickers, Menefee, Lancaster, Schiro, Racer. **Approved 5-0**

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

ANNOUNCEMENTS

Mayor Presgraves reminded Council members that the employee picnic will be held on Friday, July 1st at 1:00pm, with set-up to begin at 11:00am. Town Manager, Rick Black, said that he will need to know

which Council members will be helping with set-up and/or clean-up. Mayor Presgraves reminded Council members of the Stanley Homecoming Parade on July 2, 2011 with the reception to be held at 4:00pm. Mr. Black also provided Council with their VML Conference registration packets and asked that they be sure to complete the registration form. Councilman Vickers invited fellow Council members to attend the Habitat for Humanity Open House this weekend.

ADJOURN

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 9:05 P.M.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer