

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

MONDAY, AUGUST 12, 2013

The Luray Town Council met in regular session on Monday, August 12, 2013 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 Broyles, Town Clerk/Treasurer
	Pam Flasch	Danielle Babb, Deputy Clerk/Treasurer
	Mary Menefee	Ligon Webb, Town Planner
	Leroy Lancaster	Jason Spittler, Town Attorney
	Joey Sours	Asst. Chief Wayne Petefish, Luray Police Department
	John Meaney	Liz Lewis, Luray Downtown Initiative
		John Robbins, Luray Page County Chamber of Commerce
		Powell Markowitz, Luray Page County Airport
		Chester Taylor, Preserve Our School Foundation
		Mark Johnson, Luray Page County Airport
		Ben Vickers, Luray High School SCA

Also Present:
Charlie Hoke, Temporary Town Manager
Bryan Chrisman, Assistant Town Manager

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. Councilwoman Flasch led everyone in reciting the United States Pledge of Allegiance. The roll was called with all members present.

CONSENT AGENDA

Motion: Councilman Sours motioned to approve the Consent Agenda, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

Consent Agenda

- A) Minutes of the July 8, 2013 Regular Council Meeting
- B) Financial Report – No report for July due to fiscal year 2013 not being completed
- C) Accounts payable checks totaling \$211,133.71

GENERAL CITIZEN COMMENTS

Chester Taylor – 2948 Oak Forest Lane, Luray

Mr. Taylor said that he was present this evening to discuss the old schoolhouse and the position of the Preserve Our School Foundation. Mr. Taylor displayed a photo of the buildings state in 1952. He stated

that a fire in 1952 damaged the north wing of the building and when repairs were made the ornamental portico was not replaced. The Foundation hopes that the building will be preserved to this original state with the help of a developer, which would require no financing from Page County or its tax payers. Mr. Taylor stated that he had passed out several documents before the meeting began. The first document is a letter dated May 17, 2006 from the former Town Manager, Mr. Jerry Schiro, stating the town's position on preserving the building. The second document provided is a fact sheet detailing the building's history. Mr. Taylor stated that he can understand that council may not want to act on this matter this evening but would like for them to consider this at a later meeting. Mr. Taylor explained that the Foundation is not asking the Page County Board of Supervisors to vote to preserve the building; they are merely asking that the Foundation and associated parties be given one year to develop the property. Mr. Taylor stated that the Foundation is asking that the Town Council support this position.

Ben Vickers – Luray High School SCA

Ben Vickers, Luray High School Student Council Association, came before Council to request permission for its annual Homecoming Parade on October 16th. The SCA would like to move forward with the usual parade route with the help of the police department.

Motion: Councilman Vickers motioned to approve the Luray High School Annual Homecoming Parade as discussed, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

DEPARTMENTAL REPORTS

PLANNING AND ZONING

Town Planner, Ligon Webb, advised Council members that the Planning Commission met one week early in order to make a recommendation to the Council regarding the Town's sign ordinance and the issues with sandwich board style signs. Mr. Webb said that he is happy to report that the commission does not have a recommendation. The commission feels that in regards to the sandwich board sign issue, Mr. Mayes needs to continue to follow the conditions of the permit. The conditions of the permit require Mr. Mayes to take the signs in daily. Mr. Webb recommends that language be added to the code that would allow for automatic enforcement. Therefore, if the signs are not taken in daily then the matter will be sent immediately to Code Enforcement.

Regarding the Sign Ordinance, the ordinance may need a few tweaks but overall there are no major problems with the ordinance. Mr. Webb feels that the town has been able to maintain better looking signs because of the ordinance. He said that staff tries to be reasonable while maintaining compliance with the ordinance.

Councilman Vickers asked if the ordinance could be shortened at all. Mr. Webb responded that the ordinance is proportionate to other locations and that all sign ordinances tend to be long, due to various scenarios and many definitions.

Councilman Meaney asked how we will measure compliance with Mr. Mayes. Mr. Webb said that the major issue is with placing the sign where it is supposed to be and ensuring that it is taken down each evening. He said that as long as those items are met, the sign is within compliance. Mr. Webb said that if a complaint is received; then the issue is addressed, regardless of whom the complaint is from. Mayor Presgraves said that he feels the Planning Commission will come back with reasonable recommendations on the ordinance.

Mr. Webb discussed the potential Phase II of the North Broad Street Pedestrian & Gateway Improvements. Mr. Webb said that he has discussed the use of VDOT funds with Treasurer, Mary Broyles, for the sidewalk improvements. Mr. Webb discussed the scope of work and the estimated cost for Phase II is \$13,857. The work is estimated to take about one week to complete. Mr. Webb suggested the use of minimal landscaping for lower maintenance. Councilman Lancaster requested that Mr. Webb ensure that the entire project area is town property. Also, Mr. Lancaster asked if the sidewalk would be ADA compliant with the existing utility pole. Mr. Webb stated that the sidewalk would meet the necessary standards. Councilman Vickers encouraged making the northern gateway of the town as attractive to visitors as possible. Council and staff also discussed the potential for Phase III and associated grant opportunities. LDI Director, Liz Lewis, stated that she will apply for this grant in November. Council and Staff members also discussed using the costs incurred from Phase II as matching funds for Phase III. Mr. Webb stated that he feels the gateway project overall is an economic development tool of sorts but also understands that there is maintenance associated. Council members agreed that this is a key location to improve.

Town Planner, Ligon Webb, displayed the website link to the recently completed Comprehensive Plan. Mr. Webb plans to hold a public hearing on the Comprehensive Plan at the October Council Meeting. He stated that the plan is available both on the web and on the town's Facebook page for citizen review. Councilwoman Menefee suggested that the Council use the Comprehensive Plan as a planning tool. She said that members should tie this information to decisions for future planning rather than reviewing once a year.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Ms. Liz Lewis said that in the upcoming weeks, LDI will be working on the overgrown planting bed at Main and Broad Street. She said that working out the details with the property owner has caused the project to take longer than anticipated. Despite this, Ms. Lewis feels the outcome will be a huge improvement to the town's northern gateway area. Ms. Lewis said that she, along with the property owner, have decided to implement the use of low maintenance materials.

Ms. Lewis said that LDI continues to work on the pop-up retail space for the Farmer's Market during the winter months. She said that this would allow the Farmer's Market vendors to participate in a retail space for three months, beginning in October. Ms. Lewis said that she would then approach the members of Page County Grown about the concept and hopes for a total of 10 vendors to occupy the space.

Ms. Lewis said that the Art Filled Summer Day Camp is in its final week. She noted that partnerships and participation have been very good. While the concept was organized as a fundraiser, she hopes the venture will break even. She noted that while the program has been a stressful one, it has also been very rewarding. LDI hopes to conduct the camp again next year with the possibility of grants, additional subjects, a new location, and other partnerships.

LDI has several upcoming events including an Oktoberfest Fundraiser and Triathlon Events. The details of the Oktoberfest are being worked out by the LDI promotions committee, and will be a downsized version of the original plan for an October event. Ms. Lewis plans to focus on smaller, more manageable events. Ms. Lewis reminded that the Triathlon is quickly approaching and provided some promotional materials that will go in the athlete packets.

Ms. Lewis stated that LDI has received the town's annual contribution and thanked members of the town council. Despite the town's Council support, Ms. Lewis said that the contribution will not be enough to sustain the organization. She stated that LDI will be making adjustments to its work plan and that staff hours will be

cut to part-time status. Ms. Lewis said that she will report back on how this reduction to LDI's budget will affect the organization overall.

Mayor Presgraves questioned LDI's plans for fundraising to compensate for the shortfall in their budget. Ms. Lewis responded that more fundraising events will have to take place. She also stated that LDI will need to determine if they are going to be a fundraising organization or an economic development resource. Mayor Presgraves suggested the former LDI fundraiser that was held annually at the Mimslyn. Ms. Lewis noted that many other local non-profit organizations are also competing for funds.

Luray-Page County Chamber of Commerce

Mr. John Robbins, Chamber Director, said that several political events are coming up and the Chamber will help facilitate these. Mr. Robbins maintained that the Chamber is not endorsing any political parties but would like to facilitate these events so that citizens may have the opportunity to speak with these candidates if they are interested. Traffic at the visitor's center was up for July with 2,250 tourist walk-ins, a 12% increase over last year. Mr. Robbins reported 828 tourist phone calls, which is 66% higher than last July. The website hits are up as well, with over 9000 reported for July 2013. Mr. Robbins noted that a short article was featured in *Virginia Business* regarding the cycling events in the community and the Appalachian Trail Designation. Council members were sent the Shopper's Survey results and Mr. Robbins feels there is more need for the Chamber to become more involved in a Buy Local Campaign. The Business Expo/Yard Sale event was probably one of the largest events for the Chamber in the past year, therefore a fall event will be held on September 14th. Due to the Triathlon event, the Visitors Center will stay open late until 7:00 or 8:00pm on Friday evening. As well, the Chamber will set up a table at Appalachian Outdoor Adventures for racers to pick up their event packets. Mr. Robbins also provided Council members with a copy of a new rack card. The card is a handy tool for new residents who are setting up utilities and establishing a new residence in Luray.

Councilman Vickers asked Mr. Robbins if he could encourage businesses to stay open later on Friday evening due to the number of visitors in town for the Triathlon. Mr. Robbins said that this is an issue that was noted in the shopper survey and that he would like to see this as well. He noted that in past seminars this has been a theme for small businesses to "Get Found and Be Open" so the Chamber is also trying to convey this message.

Luray-Page County Airport

Mr. Powell Markowitz stated that the Airport Commission began operating the Airport as of July 1, 2013. He noted that numerous meetings have been held with Penny Gray, Page County Treasurer, regarding the set-up for credit card payments. Credit card payments are accepted for the payment of fuel purchases at the airport. Mr. Markowitz reported that this system is now up and running. The current grants for the runway overlay project are still on track. He noted that the state grant has been signed by both the town and county, while the federal grant paperwork has not been received to date. Mr. Markowitz hopes that by the time the Airport Authority is up and running the federal grant portion will be moving forward also. Council members and staff discussed some accounting details for the airport and noted that the county's finance office has always handled the hangar rentals.

Mr. Markowitz discussed the Delta Airport Consultants Agreement extension. Delta Airport Engineers serve as the airport's consulting engineering firm and are normally renewed on a five year term. Mr. Markowitz explained that a state law maintains that localities may only issue a contract for a one year term. Therefore, the airport has entered into an agreement with Delta and imposes an annual renewal for a period of five years. Mr. Markowitz stated that he is asking for Council's approval of Delta Engineering Consultants for one more year. Page County Board of Supervisors will need to approve this as well and are scheduled to take action on this at their monthly meeting.

Motion: Councilman Lancaster motioned to approve Delta Airport Engineers extension for one year as discussed, motion seconded by Councilwoman Menefee with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

UPDATES

Copy Charges

Temporary Town Manager, Charlie Hoke, stated that town staff is asking Council members to consider a change in the rate and fee schedule for copies. Currently the charge is set at 50¢ per copy plus staff time at 15 minute increments. Staff is proposing to change the rate to allow the first 20 pages of copies free of charge, then a per page rate of 15¢ per page plus staff time at 15 minute increments, all of which would be at the discretion of the Town Manager or Town Clerk.

Motion: Councilwoman Menefee motioned to approve the change to the Fee Schedule as discussed, motion seconded by Councilman Meaney with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

ACTION ITEMS

Airport Authority Appointments

Temporary Town Manager, Charlie Hoke, stated that Council members will need to make appointments to the Airport Authority. Currently, there are four candidates for consideration and only three positions to fill. Mr. Hoke said that the three positions consist of 1) one at large candidate, 2) a one year position, and 3) a four year position. The four candidates are Leroy Lancaster, Powell Markowitz, Mark Johnson, and Mike Osmer. Councilman Vickers noted that three of the candidates are pilots. Councilman Vickers said that he would like to start with Mr. Markowitz and recommended him for the “at large” position. Mr. Hoke agreed with this choice, there were no objections from fellow Council members. Councilman Vickers suggested Mr. Johnson for the one year position. Councilman Sours noted that he prefers a town council member on the authority, thus allowing the town a “voice” on the board. Council members noted that Mr. Osmer is still an active pilot and that meeting attendance may be a factor. Councilman Vickers maintained that he would like to see the members of the authority all be current or previous pilots. Temporary Town Manager, Charlie Hoke, noted that Mr. Lancaster has been a long standing member of the airport commission. Mayor Presgraves agreed that Mr. Lancaster had been a long time member of the commission and it would be beneficial to have a member of the council on the board. Councilman Sours discussed the other candidates and terms. Councilman Vickers suggested Mr. Osmer for the four year position.

Motion: Councilman Vickers motioned to appoint Mike Osmer to the four year position on the Airport Authority, no second was made. **Motion Failed.**

Motion: Councilman Sours motioned to appoint Leroy Lancaster to the four year position on the Airport Authority, motion seconded by Councilman Meaney with the vote as follows: YEA: Council Members Flasch, Menefee, Sours, Meaney. NAY: Vickers. ABSTAIN: Lancaster **Approved 4-1**

Mr. Markowitz thanked Council for their confidence in him for the at large term; however, he said that Mr. Johnson has been involved with the commission since about 1985. Mr. Johnson spoke briefly on his experience with the commission and the airport’s development through the years.

Motion: Councilwoman Flasch motioned to appoint Mark Johnson to the one year position on the Airport Authority, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

NSVRC Appointment

Mayor Presgraves said that he would like to appoint Councilwoman Menefee to the NSVRC position. Ms. Menefee has already agreed to serve on the committee and all council members were in agreement.

TOWN ATTORNEY'S REPORT

Town FOIA Policy

Town Attorney, Jason Spitler, discussed the updated proposed FOIA Policy. Mr. Spitler noted the changes made and said that the fee for copies and staff time is concurrent with the change in Fee Schedule. Mr. Spitler said that he believes the changes are in accordance with Council's suggestions and this is an action item for tonight's meeting.

Motion: Councilman Vickers motioned to accept the FOIA policy with the changes as discussed, motion seconded by Councilman Meaney with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

Erik Fox – Alleyway Vacation

Mr. Spitler said that this matter was last addressed at the July 8th meeting, in which Council members approved the concept of vacating the alleyway. The alleyway is located directly to the rear of the property and the town would maintain all utility easements. Mr. Spitler stated that he is asking that the Deed and Ordinance be approved in the absence of a survey. Mr. Fox has been notified of the need for a survey and he is to provide one. Mr. Spitler is recommending that the Council approve the Deed and Ordinance and authorize Mr. Webb and Mr. Spitler to release this upon the completion of a satisfactory survey.

Motion: Councilman Vickers motioned to approve the Ordinance and Deed for the Erik Fox Alleyway Vacation, contingent upon a satisfactory survey as discussed. Motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

Town Attorney, Jason Spitler, provided a handout which detailed the activities that will need to take place over the course of the next three months concerning the Airport Authority. He said that certain conditions are required for each step and there is an order of priorities to these steps. Mr. Spitler hopes the document will be helpful in explaining the necessary measures that will be taking place. Mr. Spitler said that the FAA actually prefers that many of these steps do not take place until after October 1st to coincide with the beginning of the federal fiscal year.

Updates

Mr. Spitler noted the Nawrocki issue and said that information is provided in his written report. He added that he and Deputy Clerk Treasurer, Danielle Babb, continue to work on this and said that there is no subordination issue, only a remaining compliance issue. Mr. Spitler said that he feels a good plan is in place and that he believes these steps will gain compliance.

Regarding the Agricultural Lease for Phase IV of the Greenway, Mr. Spitler is looking for some direction on this issue. The current lease agreement is with Mr. Phillip Long for the interior area on Phase IV of the Greenway, as well as some property adjacent to Yager's Spring. Mr. Long has made the town aware that he does not intend to renew the lease as he has acquired other property for this purpose. Mr. Spitler said that council and staff will need to determine if this will be put out to bid or what steps will be taken. Mr. Spitler said that a determination will also need to be made regarding if town employee's are allowed to enter into a lease agreement. Mr. Spitler said that regardless the process will need to be fair and a bid process will ensure that. Mr. Spitler asked Council to consider this matter and said that no action would need to be taken this evening. Mayor Presgraves stated that the sooner the area is leased, the better. He said that this area provides nice scenery and he would like to see this taken care of soon. Mr. Hoke added that he is only aware of two interested parties at this time.

Mr. Spitler stated that the case involving the former Town Manager will be an issue for Circuit Court tomorrow morning. The order from these proceedings will be entered tomorrow and a hearing date will be set.

Regarding the worker's compensation case, the hearing is still set for 10:30 on Friday August 16th. The hearing should bring this matter to a resolution and Assistant Town Manager, Bryan Chrisman, will represent the Town at this hearing.

ANNOUNCEMENTS

Mayor Presgraves displayed the telegraphers' key that was presented to Council by former council member, Bill Menefee. Mayor Presgraves said that he would like to put this on loan to the Luray Depot Museum. Council members agreed on this decision.

EXECUTIVE SESSION

Personnel, Section 2.2-3711.A.1

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing and Section 2.2-3711.A.1.

Motion: Councilman Vickers motioned to recess the regular session and to convene in executive session; Councilman Sours seconded the motion with the following members voting YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

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

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

ADJOURN

Before adjourning the meeting, Councilman Vickers said that he had one other item of business concerning the Luray Graded School. Councilman Vickers stated that near the beginning of the meeting, Council members

heard from Mr. Chester Taylor of the Preserve Our School Foundation. Mr. Taylor read aloud a letter from Mr. Schiro, former Town Manager, that indicated that the town's position in 2006 was one of preservation. Councilman Vickers said that he wanted to go on record by saying that he is an educator and that he believes in the preservation of schools. Mr. Vickers said that he initially went to those meetings to find out what's going on, but that this is a very serious matter. He stated that this affects the skyline of our town, our history, and is an injustice to say nothing to our supervisors. Mr. Vickers maintained that this is our town and our historic district, while he understands this building does not belong to the town. He reminded that at one time it was the position of the Luray Town Council not to destroy this building, yet no discussion has taken place since that time. Mr. Vickers said that he would move that the Luray Town Council confirm the 2006 Town Council's position that the Luray Graded School not be demolished. Mr. Vickers said that he supports the foundation's efforts to gain private funding and make the building a source of revenue. Councilman Vickers maintained that this is a bigger and bigger issue and that he has contacted council members about this with no response or reply.

Motion: Councilman Vickers motioned that the Luray Town Council confirm the 2006 Town Council's position that the Luray Graded School not be demolished, no second was made. **Motion Failed.**

With no further business, Mayor Presgraves adjourned the regular session of the Luray Town Council at approximately 9:57 pm.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer