

***MINUTES OF A TOWN COUNCIL WORK SESSION
TOWN OF LURAY, VIRGINIA
Tuesday, January 20, 2009***

The Luray Town Council met in a work session on Tuesday, January 20, 2009 at 6:00 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: Nancy Shifflett
Lonnie Arrington
Leroy Lancaster
Jerry Schiro
Earl "Rock" Racer

Council Absent: William Menefee

Also Present: Rick Black, Town Manager
Bryan Chrisman, Assistant Town Manager
Mary Broyles, Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Jason Spitler, Town Attorney

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

Mayor Presgraves asked for changes or additions to the agenda. Town Manager, Rick Black, would like to discuss the draft lease for the Luray Depot and a call for action by VML regarding the business license tax.

Police Department (Comp-time and Overtime)

Town Manager, Rick Black, reminded that during Chief Campbell's year end report there was concern over the amount of comp-time hours that were on the books. Mr. Black is proposing that those who are regularly scheduled to work on a holiday receive overtime pay. If this change were implemented it would reduce the amount of comp-time by approximately 600 hours. Council and Mr. Black discussed the current policy as it relates to overtime pay, comprehensive time, and scheduling. Currently the officers are receiving comp time for those hours. The Town's Personnel Policy states that any comp-time earned must be used within twelve months of the date earned. Chief Campbell previously expressed that this causes a hardship in scheduling. Mr. Black plans to work with the Town Attorney to amend the policy and present it at the February Council meeting. Currently, Police personnel get twelve hours of straight pay plus eight hours of comp-time for holidays worked. The solution proposed by Mr. Black would merely give officers the option of being paid rather than receiving comp-time.

Lastly, Mr. Black stated that he feels it would be beneficial to hire an additional part time officer to assist during holidays. Councilman Racer reminded that Officer Jerry Petefish has just returned to work which would add that additional officer. Mayor Presgraves stated that an additional part-time officer could assist

with scheduling conflicts but the budgeted amount for part-time personnel should not be exceeded. It was the general consensus of council to hire one additional part-time officer in order to increase our total officer pool.

Skate Park

Town Attorney, Jason Spitler, stated that Mr. Black had asked him to give an opinion on whether the Town should “require” that helmets be worn at the skate park or if they should be “recommended”. Mr. Spitler has included for Council a letter stating his opinion and detailed concerns. In his letter, he reminded that localities are granted sovereign immunity; which provides that localities are not liable for ordinary negligence. This would exempt the Town from all liability except for gross negligence. Mr. Spitler stated that the only situation where gross negligence might be found is in that instance of requiring helmets but not enforcing them. The primary concern is that the skate park’s intent is to alleviate skating from roadways, sidewalks, the Greenway and other inappropriate areas. In Mr. Spitler’s opinion, requiring helmets at the park may inadvertently return skateboarders to these areas. As well, Mr. Spitler feels that enforcing this rule would take police personnel away from other responsibilities.

Councilman Lancaster expressed that he feels helmets should be worn. However, if they are not going to be required he would like to see them at least recommended in addition to other safety equipment. Mr. Lancaster also stated that the continuation of skateboarding on sidewalks and other public areas should be more strictly enforced by the police department since the addition of the skate park facility. Town Attorney, Jason Spitler, agreed that the consequences for skateboarding in un-authorized areas should be more severe since the opportunity is now given to skate at the park.

It was the general consensus of Council to recommend that safety equipment be worn at all times.

Wastewater Treatment Plant (VRA Loan)

Town Manager, Rick Black, reminded Council that the deadline to close on the VRA Loan for the Wastewater Treatment Plant is April 30, 2009. He will be working with Jason Spitler, Town Attorney, and Carolyn Perry, Bond Counsel, to ensure that this deadline is met. This matter will require a public hearing to be held at the March Council Meeting. Director of Utilities, Charlie Hoke, has indicated to Mr. Black that the 2.2 million dollar loan should cover all costs of the improvements with no additional funding required.

Budget FY 2009 Update

Town Manager, Rick Black, stated that Council has included in their packets a budget analysis that looks at the year to date in review. A synopsis has been provided that shows revenues and expenditures through December 30, 2008. Mr. Black noted that revenues are looking up while expenditures are down overall. Rick Black, along with members of Council, discussed various areas of revenues including personal property taxes and business license taxes.

Mr. Black also reviewed the water fund and associated debt service. He feels that at least a cost of living increase should be implemented into the water rate structure each budget cycle in order to offset the amount of debt service. Councilman Schiro suggested that at some point the town may want to look into studying the amount of system loss concerning the water supplied. Mr. Schiro feels that this may indicate a surprising amount of system loss being incurred.

Regarding state funding, Mr. Black has not received any information to date on whether state road maintenance programs will suffer any cuts.

Councilman Lancaster expressed that we should review contributions during the budget planning. He feels that we need to look at to whom we are donating money and budget for this in advance, rather than giving additional funds throughout the year. Mayor Presgraves concurred that the Town needs to be very cautious of giving away money via various donations considering the current economic status.

Changes or Additions to the Agenda

Town Manager, Rick Black, notified Council that he will send out a comment to legislators requesting the business license tax not be eliminated, as it is a significant source of revenue for the town.

Lastly, Mr. Black presented Council with a draft copy of the lease agreement for the depot. Mr. Dave Puckett will be at the town office tomorrow morning for a meeting. Council's consensus is to charge a nominal rental fee of approximately \$500.00.

EXECUTIVE SESSION

Personnel, Section 2.2-3711.A.1

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing Personnel, Section 2.2-3711.A1. Councilman Racer motioned to recess the regular session and to convene in executive session; Councilwoman Shifflett seconded the motion with the following members voting YEA: Council Members Shifflett, Arrington, Lancaster, Presgraves, and Racer. **Approved 5-0**

After reopening the work session, Council agreed that the only item discussed was Personnel in the Executive Session.

Mayor's Announcements

Mayor Presgraves stated that the sign for the Ralph H. Dean Recreation Park had been previously delayed due to inclement weather but should resume construction.

There being no further business, Mayor Presgraves adjourned the work session of the Town Council at approximately 7:54 pm.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer