

**MINUTES OF A TOWN COUNCIL WORK SESSION**  
**TOWN OF LURAY, VIRGINIA**  
**Tuesday, May 26, 2009**

The Luray Town Council met in a work session on Tuesday, May 26, 2009 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:** Nancy Shifflett (after roll call)  
Lonnie Arrington  
William Menefee  
Leroy Lancaster  
Jerry Schiro  
Earl "Rock" Racer

**Also Present:** Rick Black, Town Manager  
Mary Broyles, Treasurer  
Danielle Babb, Deputy Clerk-Treasurer  
Jason Spitler, Town Attorney  
Ligon Webb, Town Planner  
Ken Beyer, Proposed Hawksbill Greenway/ Recreation Foundation

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

**Changes or Additions to the Agenda**

Mayor Presgraves asked if there were any changes or additions to the agenda. Councilman Racer requested to comment on the observation deck/pocket park adjacent to Hawksbill Bicycles. Town Manager, Rick Black, requested to discuss several items including the Depot and information from the Commissioner of Revenue's office.

**Hawksbill Greenway 501c3**

Mr. Ken Beyer spoke before Council regarding the creation of a 501c3 for the Hawksbill Greenway. Mr. Beyer provided Council with handouts on this topic. He noted that there is already a potential Board of Directors in place, with one more member still needed. Mr. Beyer reviewed the volume of donations received over the years for the Hawksbill Greenway and stressed that many of these donations are entirely un-solicited. Mr. Beyer is proposing foundation for these un-solicited donations. This foundation would be titled "Hawksbill Greenway/ Recreation Foundation". Mr. Beyer is proposing that future gifts be the source of the foundation's funding. Mr. Beyer stated that donations could be designated for either the Greenway or the Recreation Park, but further designation of how funds are spent would not be permitted. Mr. Beyer stated that once significant funds are reached the dividends from the foundation could be

returned to the town. Mayor Presgraves clarified that what Mr. Beyer is requesting is that Council provide approval of the Foundation so that the proposed Board of Directors could proceed with the incorporation of this foundation. Mr. Beyer stated that he estimates approximately \$1000.00 in start-up costs. Council discussed further the designation of funds but determined that funds may not be earmarked for special projects. Councilman Schiro asked if the Town Council would have any form of influence on how the funds are spent. Council members concurred that they would like to have some sort of oversight in how funds are spent. Mayor Presgraves stated that Council would be able to suggest projects or areas of need; while the majority of funds would be for perpetual care of these facilities. Councilman Racer suggested that Mr. Beyer and the proposed board come back to Council with a draft set of bylaws. Councilman Lancaster raised question of the financial responsibilities of the foundation and the associated filings with the IRS. Councilman Arrington would like to see the Town help with those types of administrative costs. Town Attorney, Jason Spitler, commented on the designation of funds. He reiterated that funds could be marked for a specific area such as the Ralph H. Dean Recreation Park, Lake Arrowhead, or the Greenway but funds could not be designated toward any specific projects. As well, Mr. Spitler suggested that the bylaws consider staggered terms for its board members. Mayor Presgraves concluded the discussion by stating that he feels the Foundation is a great concept and Council concurred for Mr. Beyer to proceed with his work on this.

### **Signs: Ordinance Revisions**

Town Planner, Ligon Webb, reviewed the recent work on revising the sign ordinance. Mr. Webb explained the basic assumptions of focusing on aesthetics while still allowing businesses ample space to advertise. Mr. Webb provided a power point presentation that provided photo examples. Mr. Webb showed the recommendations for different types of signs and provided suggestions of how they could be improved. Mr. Webb stressed the reduction in height and ways to add a more pleasing look to many of these signs. Mr. Webb advised that pole signs could be eliminated and replaced with ground mounted signs that could incorporate masonry, planter, and exterior illumination. Mr. Webb concluded his presentation by advising Council that he and the commission will continue to work on the sign ordinance revisions over the next couple of months.

### **Public Hearings: Vacation of Public right of Way Tax Map- 42A11-18-70-13, Address- 412 Second Street**

Ligon Webb, Town Planner, presented a request from Jeffrey and Kimberly Slye for a vacation of right-of-way. Mr. Webb reviewed a map that showed the area requested. Town Manager, Rick Black, stated that this would require a public hearing and that all adjacent landowners have been notified by letter.

### **Airport**

#### **J. Sanders Payment Request # 11**

Rick Black, Town Manager, provided payment request #11 for J. Sanders Construction. He stated that this item will be included on the consent agenda for the next regular Council Meeting.

### **Install Automatic Gate Controls and Security Lighting**

Mr. Black stated that Council will also need to vote on the acceptance of grant funding for the installation of automatic gate controls and security lighting. Mr. Black reminded that Mr. Markowitz is requesting no matching funds. Mr. Markowitz is only requesting that the Town Council accept the grant funding.

## **Streets**

### **Sidewalks on Mechanic**

Mr. Black stated that he has received a request from Ms. Emerson (Lee Street) for Council to consider installing sidewalks on Mechanic Street. Mr. Black stated that the problem with this request is that there is not enough right-of-way width on the section of street between Lee Street and North Court Street. Councilman Schiro concurred that this has been looked at in the past and there was not enough room for a sidewalk to be installed. Mr. Black concluded this request by restating that there simply is not enough room for sidewalks in the area requested.

### **Intersection of Third Street and Eighth Avenue**

Mr. Black discussed complaints from residents in the area of Third Street and Eighth Avenue regarding excessive speed and parking issues. Mr. Black stated that residents are requesting that Council do something about the intersection, possibly installing a 4-Way Stop. Mr. Black reminded that due to activities at the Recreation Park and schools there is a high volume of traffic in this area. Councilman Lancaster suggested that the police department focus on this area again and monitor speeding. Mr. Black stated that Council members will hear from citizens on this issue at the regular Council Meeting in June.

### **Peter Street**

Mr. Black also addressed Peter Street repairs. Mr. Black reminded Council that the road does not meet VDOT standards but the Town may want to invest in some repair materials.

### **Event Sign: Proposed Rules**

Rick Black presented Council with proposed rules for the Town Event sign. Mr. Black emphasized that the sign is not to be used by other organizations that are not town sponsored events. Mr. Black stated that he will approve what items are posted on the sign. Councilman Lancaster stressed that information placed on the sign be current and removed promptly after an event has taken place.

### **He is for us Ministries**

Rick Black presented a request for a \$500.00 donation to the Back-to-School Bash sponsored by He is for Us Ministries. The town will also provide trash disposal for the event. The donation is used to provide school supplies for the area youth that participate. Councilman Schiro suggested that we pay an invoice for the supplies rather than giving a cash donation to the organization.

### **Town Seal and Letterhead**

Mr. Black provided Council with both versions of the Town Seal, the old version and more recent version. Council agreed that the newer version was better. Council also preferred to have the newer version of the seal on Town letterhead using a nice quality, buff colored paper.

### **Changes or Additions to the Agenda**

Mr. Black stated that he recently spoke with Dave Puckett regarding the Depot and the Town will receive an additional \$200,000 in VDOT funding. This funding will assist with the museum portion of the Depot.

Mr. Black reviewed a memorandum he received from Mr. Charles Campbell, Page County Commissioner of Revenue. The memorandum stated that due to severe cutbacks in the budget that would affect his department; he would no longer be providing the Town with the information to perform twice per year billing. Mr. Black stated that in his conversations with Page County Administrator, Mark Belton, he was not aware of this information from Mr. Campbell. Mr. Campbell would like to provide only what is mandated by the state; which is once per year billing. Thus, the Town would not be able to provide June tax bills and the Town's budget would be drastically affected.

Councilman Racer asked for information regarding the progress with the deed of gift regarding the property adjacent to Hawksbill Bicycles. This property would be necessary for the Town to continue with the observation deck/pocket park to be located along the creek side. Town Attorney, Jason Spitler, stated that many of the signatures required on the deed of gift have already been obtained.

Mr. Black stated that the Employee Picnic will be held on July 2<sup>nd</sup> at Lake Arrowhead. Also, Mr. Black requested that Council consider closing the office on July 1 and 2 for the end of the Fiscal Year. Lastly, Mr. Black stated that included in the Consent Agenda for the June Council meeting would be a motion to approve the 2009 Budget Adjustments for VDOT and Departmental expenditures.

### **Town Attorney Report/ Executive Session**

Town Attorney, Jason Spitler, provided for Council and Staff a draft of the agreement necessary to move forward with the Rural Development Loan for the Water Treatment Plant. **Motion:** Councilman Schiro motioned to approve the Legal Services Agreement for the Rural Development Loan; Councilman Racer seconded the motion with the following members voting YEA: Council Members Shifflett, Arrington, Menefee, Lancaster, Presgraves, and Racer. **Approved 6-0**

### **EXECUTIVE SESSION**

**Consideration of the investment of public funds where bargaining is involved,  
Section 2.2-3711.A.6  
Discussion of the disposition of real property, Section 2.2-3711.A.3  
Personnel, Section 2.2-3711.A.1**

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing Section 2.2-3711.A.6, Section 2.2-3711.A.3, and Section 2.2-3711.A.1. **Motion:** Councilman Racer motioned to recess the regular session and to convene in executive session; Councilwoman Shifflett seconded the motion.

**Motion:** Councilman Lancaster motioned to adjourn the closed session and to reconvene in open session; Councilman Racer seconded the motion.

Mayor Presgraves asked members of Council to certify that to the best of their knowledge only matters covered under Section 2.2-3711.A.6, Section 2.2-3711.A.3, and 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**

Councilwoman Shifflett discussed the recent LDI meeting reviewing the Festival of Spring. One item that was addressed concerned Mr. Pat O'Brien's feelings that too many employees were working the event. This raised concern that too many employees may add unnecessary expense. Also, Ms. Shifflett stated that police officers should be spread out through the event and not patrolling in groups. Councilman Arrington disagreed that more officers should be present. Councilman Lancaster stated that he only saw officers separately and noted the presence of bike patrol officers. Councilman Menefee reminded that at the last Council meeting, Chief Campbell stated positive feedback regarding police presence at the event.

There being no further business, Mayor Presgraves adjourned the work session of the Town Council at approximately 8:20 pm.

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Barry Presgraves  
Mayor

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Danielle P. Babb  
Deputy Clerk-Treasurer