

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

**MONDAY, AUGUST 11, 2014**

The Luray Town Council met in regular session on Monday, August 11, 2014 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  
Pam Flasch  
Jerry Schiro  
Leroy Lancaster  
Joey Sours  
John Meaney

**Also Present:**

Charlie Hoke, Town Manager  
Bryan Chrisman, Assistant Town Manager  
Mary Broyles, Clerk-Treasurer  
Danielle Babb, Deputy Clerk Treasurer  
Ligon Webb, Town Planner  
Bill Fisher, Luray Downtown Initiative  
Mark Malone, Luray Downtown Initiative  
Junior Roy, Luray Police Department  
Pat Racey, Racey Engineering  
Jeff McMillan, Page News and Courier  
Jason Spitler, Town Attorney

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.

**CONSENT AGENDA**

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

**Approved 6-0**

***Consent Agenda***

- A) Minutes of Regular Council Meeting - 7-14-14
- B) Minutes of the Council Work Session – 7-29-14

C) Accounts payable checks totaling \$144,386.85

## **DEPARTMENTAL REPORTS**

### **PLANNING AND ZONING**

Town Planner, Ligon Webb, stated that he has received the traffic study findings from Valley Engineering concerning the traffic analysis for the new Page Memorial Hospital. He stated that the warrant analysis says that a traffic light is needed at the intersection of West Main Street and Memorial Drive. Mr. Webb said that the traffic analysis involves various tests to produce an opinion, one of which tests is a traffic count. He noted that the peak traffic time for this area is around 1:00pm and found over 650 vehicles with about 152 turning onto Memorial Drive. The cost to signalize the intersection is estimated at about \$114,000 for the land acquisition, pole, etc. Mr. Webb explained that the intersection would utilize a single arm traffic signal and would be located on the side opposite of Memorial Drive. Mr. Webb stated that he will continue to work with the hospital's project manager and get the process moving. He advised that the time frame would be about 6-7 months.

Councilman Sours asked what the terms "warranted" mean and if the light is indeed necessary. Mr. Webb said that this analysis does indeed mean that the signal is needed and was a bit surprised at the volume of traffic counts. Councilman Schiro expressed concern over signalizing the intersection without synchronizing with the other two traffic lights in town. He said that this should definitely be a consideration and could create a real issue on high volume traffic weekends. Mr. Webb said this is certainly a consideration that could be addressed. Councilman Vickers asked if the ultimate determination on this is up to the Town Council. Mr. Webb agreed that it would be at the discretion of Council. Councilman Vickers recalled concerns over inclement weather and the slope of the roadway. Mayor Presgraves reminded that if the intersection is signalized now as a part of the developer's agreement, then down the road it will not be at the cost of the town. Mr. Webb said that he will send out a copy of the study to all members. Councilman Meaney noted that the traffic assumptions may be even greater in the coming months as more people are visiting the new hospital for services. Mr. Webb concurred that the original thought was that the new services would increase traffic volumes. Mr. Webb said that he will continue working with hospital officials and will be back with more information.

Town Planner, Ligon Webb, said that the Planning Commission will meet in a regular session on Wednesday with new members present. One rezoning request will be discussed in September concerning an accessory building at the corner of Massanutten and Reservoir Avenues. This is a large accessory building, currently a garage, and Mr. Griffith would like to convert the property to office space. The property will need to be rezoned to business with a narrow scope of use. Councilman Lancaster countered and said Mr. Webb should research this. He recalls their being a provision that the space cannot be used for business. Lastly, Mr. Webb said that the Flood Plain Ordinance is being updated. He stated that this is an update requested by the Department of Conservation and Recreation and the town is essentially required to do so.

## **TOWN AFFILIATED BOARDS AND COMMISSIONS**

### **Luray Downtown Initiative**

Mr. Bill Fisher stated that LDI's budget documents have been provided for Council Members and Mr. Malone will present these shortly. Mr. Fisher said that the Market Collective is ongoing and at the end of the season members will evaluate the market and its goals as a business incubator. Also, the Art-Filled Summer Camp has reached completion and will be evaluated. He noted that the revenues from this were not as high as hoped. Mr. Fisher noted that the Page Theater project did not reach its goal of \$25,000 in funding, but Mr. Spencer has certainly felt the community's support. LDI will continue to support this endeavor and Page County is

considering some assistance for the business. The billboard signage on Route 211 is ongoing and Mr. Fisher still plans to communicate with the owner. LDI supported the Artisans' Trail Network at a naming event meeting. Also, LDI's Vice President has resigned and Mr. Fisher said that they will be looking for another committee chair. Mr. Fisher said that long term planning discussions will begin in the next few months as well as work on three grant opportunities. These grant opportunities include a feasibility study, downtown investment grant, and business plan generation grant.

Mr. Fisher acknowledged LDI's receipt of funds from the town and asked for suggestions/comments in hopes of obtaining the second installment of funding in December.

Treasurer Mark Malone, reviewed LDI's budget projections and said that the numbers are pretty close to its goals. He added that LDI has received the \$10,000 for the feasibility study. Also, he has received information from the state regarding audit and/or review requirements. LDI has received a \$1,500 grant to perform the review and a local CPA has agreed to perform the work for this amount. Mr. Malone said that the Art Filler Summer Camp was anticipated to see revenues of \$4,500, but will actually only bring in about \$2,500. This loss, combined with the duck races, will amount to about \$4,000 less in projected revenues. Mr. Malone said that the Market Collective continues and the Mudtober Event will be next month. He summarized that these are the last of the revenue generating events. Mr. Malone said that LDI continues to control its administrative costs.

### **Luray Page County Chamber of Commerce**

Director, John Robbins, could not be present at the evenings meeting but a written report was provided for Council members.

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### **UPDATES**

Town Manager, Charlie Hoke, said that at the July 14<sup>th</sup> meeting, Mr. McWhorter represented the Farmer's Market to request an amendment to the bylaws. The amendment would allow the market to cook food on the premises. Part of the conversation involved Council Members requesting a copy of the revised bylaws which have been provided in Council's packet.

### **ACTION ITEMS**

#### **Holtzman Corporation Developers Agreement**

Assistant Town Manager, Bryan Chrisman, presented the Holtzman Corporation Developers Agreement. As previously discussed, Holtzman Corporation is requesting an out-of-town sewer connection for the convenience store and restaurant on Route 211. Mr. Chrisman said that the applicant has addressed all of Council and staff's concerns and has even added a few items beyond those. The applicant has added a bond agreement in addition to the initial terms. Mr. Chrisman said that it is his recommendation to approve the Developers Agreement and Easement Documents.

**Motion:** Councilman Sours motioned to approve the Developers Agreement from Holtzman Corporation and Easement Documents and authorize the Mayor, Town Manager, Clerk and staff to execute and complete the noted documents on behalf of the Town of Luray, motion seconded by Councilman Meaney with the vote as follows: YEA: Council Members Vickers, Flasch, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

#### **Finance RFP**

Mr. Chrisman said that the Council has reviewed the interim financing for the bridge project and town staff has met with Blue Ridge Bank about the town's operational account. Blue Ridge Bank is putting together a proposal for the town and preliminary indications are looking very positive for that change. The benefits would not only help the financing for the bridge project but also the town's operational funds. Blue Ridge Bank has offered three notes at 3/4/5 years for 1.69%/1.99%/2.19% with no fees. Representatives from Botkin Rose PLC could not be present this evening but have offered their advice and feel these rates were better than originally anticipated. The Town's bond counsel and staff are recommending the approval and authorization for the facilitation of the necessary steps to implement Interim Financing with Blue Ridge Bank. Mr. Chrisman said that if approved the anticipated closing date is August 29<sup>th</sup> at Town Hall.

**Motion:** Councilman Schiro motioned to authorize staff to move forward with the closing and terms for Interim Financing proposed by Blue Ridge Bank and to approve the Resolution and Ordinance authorizing the issuance of debt, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Flasch, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

### **Bridge Consultant**

Assistant Town Manager, Bryan Chrisman, said that town staff has reviewed the proposals and has held a preliminary meeting with Pennoni Associates last week. Mr. Chrisman and the town's bridge team are recommending approval to work with the NSVRC to facilitate the bridge consultant contract with Pennoni Associates. Mr. Chrisman said the consultants schedule is quite aggressive but the scope of work is accurate, complete, and at the best price received by the town. The contract will be held between NSVRC and Pennoni Associates, just as the town's agreement with the Environmental Consultant.

**Motion:** Councilwoman Flasch motioned to approve the recommendation from the Town's Bridge Team and begin the necessary paperwork with the NSVRC to facilitate Pennoni as the Bridge Consultant, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Flasch, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

### **Geotechnical Contractor**

Assistant Town Manager, Bryan Chrisman, noted that this was a major component in the bridge consultant's typical scope of work. Due to the costs that came in on this during the initial proposals, this is one of the items that the bridge team elected to extract from the scope of services. Initial estimates on two of those proposals were in excess of \$42,000. Two additional bids were then solicited and fortunately one was received at a much more competitive price. A very good price was submitted by Froehling & Robertson, Inc. at a cost of \$24,720 for the base contract. The only issue with Froehling & Robertson may be a traffic lane closure due to the size of their rigging equipment if a fifth drilling is needed. The total time frame for the work is estimated at a few days. The town's bridge team is recommending to contract directly with F&R.

**Motion:** Councilwoman Flasch motioned to approve the recommendation from the Town's Bridge Team to contract directly with F&R and authorize the necessary paperwork, motion seconded by Councilman Meaney with the vote as follows: YEA: Council Members Vickers, Flasch, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

### **VDOT Resolution**

Mr. Chrisman presented the VDOT Resolution which he says will not only be useful for the bridge project but also for other instances of overlap between the town and VDOT right-of-way. Mr. Chrisman explained that the agreement assures VDOT that the town will hold insurance in sufficient amounts and allows the town to hold and execute any land use permit.

In the case of the Holtzman project, once adopted, the Resolution will allow the town to hold the permit with the general contractor. This would allow the town to pull the contractor's permit if any issues were to arise. This allows the town more control and leverage on the project. The final section of the resolution permits the town to list VDOT and the Town on the contractor's surety documents. The resolution overall has a very limited scope but will be very beneficial to the town in specific instances.

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

## **TOWN ATTORNEY'S REPORT**

Town Attorney, Jason Spitler, said he had nothing further this evening.

## **OTHER BUSINESS**

### **Contributions**

Mayor Presgraves said that Councilman Vickers had an item of business he would like to discuss. Mayor Presgraves reminded that the council does not follow Roberts Rules of Order but rather by Virginia Legislation rules. This requires a two-thirds majority vote to open the discussion on a re-vote and a two-thirds majority to pass the vote.

Councilman Vickers addressed the previous vote on Contributions and said that he has given this a great deal of thinking. Mr. Vickers said that for the first time the Council has needed to find reason for contributing to one organization over another. He would like to re-open the discussion and potentially provide a contribution to the Luray Rescue Squad.

**Motion:** Councilman Vickers motioned to open the discussion on contributions, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Flasch, Schiro, Sours, Meaney. NAY: Lancaster. **Approved 5-1**

With the vote as stated, Mayor Presgraves opened the conversation for Mr. Vickers comments. Councilman Vickers said that as an average citizen he would consider the organizations that he would like to see given assistance. He stated that those organizations would include the fire department and rescue squad. Councilman Vickers said that he finds it incredibly difficult to even understand choosing one organization over another. Without any consideration to how much money an organization has or how much they deserve, he feels that a precedent should be set as to not leave the rescue squad out of this discussion. Mayor Presgraves asked where Mr. Vickers is proposing to take the funding from. Councilman Vickers said it is easy for one to get upset about how much funding they receive, but he would suggest dividing the \$7000 in funding and dividing it equally between the two organizations. Mr. Vickers said this would provide both with equal funding and convey to members of the community that the council is approaching this from a standpoint of fairness. Councilman Schiro said that his previous statements still hold true, that the town is facing tough budgetary times and must somehow limit its contributions to quasi-governmental organizations. Mr. Schiro noted that he served for many years on the Luray Volunteer Rescue Squad and is certainly an advocate of the organization.

However, he noted that they do now have a paid staff by Page County and have a mechanism to recover some money for their services. Mr. Schiro said that these factors have allowed him to draw a distinction between the two organizations and is not opposed to some form of contribution to them. Mr. Schiro stated that it would be unfair to take these funds away from the fire department when the Council has already appropriated monies at a specific level. Councilman Lancaster said that the County bills insurance companies for rescue squad services and they will then collect these funds, which allows them to pay their staff. Mr. Lancaster said that the fire department only receives funds from door-to-door fund drives and other various fundraisers. He noted that the department is currently in the process of replacing its tanker truck at a cost of \$281,000 dollars. Councilman Vickers said that he is in no way opposing the fire department, but is hoping to set a precedent and provide even a nominal donation to the rescue squad in order to keep the organization in this year's budget. Mr. Vickers expressed concerns over training costs and other items despite their paid personnel. Councilman Vickers said it is important to him to let the public know that the Town Council is not ignoring the rescue squad. Councilman Lancaster countered that the organization is receiving monies from insurance companies and advised that it is no longer the solely volunteer entity that it once was.

**Motion:** Councilman Vickers motioned to spend \$500 from unallocated contributions to provide the Luray Volunteer Rescue Squad, motion seconded by Councilwoman Flasch with the vote as follows: YEA: Council Members Vickers, Flasch, Schiro. NAY: Lancaster, Sours, Meaney. **DENIED 3-3 Mayor Presgraves stated that the motion failed because the vote required a two-thirds majority.**

## **EXECUTIVE SESSION**

### **Real Property, Section 2.2-3711.A.3**

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing matters relevant to Section 2.2-3711.A.3.

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

**Motion:** Councilman Vickers motioned to adjourn the closed session and to reconvene in open session; Councilman Sours seconded the motion with the following members voting YEA: Council Members Vickers, Flasch, Schiro, 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.3 were heard, discussed, or considered during the closed session. **The roll was called with all members certifying "Yes".**

Mayor Presgraves asked Council members to take action on the business from executive session.

**Motion:** Councilman Vickers motioned to authorize the town to offer Alan Chu \$327,000 dollars for his building (Brown's Restaurant), property, and property rights in order to provide the town more security in its Main Street Bridge Project; Councilman Sours seconded the motion with the following members voting YEA: Council Members Vickers, Flasch, Schiro, Sours, Meaney. NAY: Lancaster. **Approved 5-1**

## **ADJOURN**

Before adjourning the meeting Mayor Presgraves said that Town Attorney, Jason Spitler, would like to address the Council on a mistake during the recent vote on contributions. Mr. Spitler stated that after the last vote he addressed the Mayor of a mistake. He noted that he spoke with the Mayor earlier in the day and provided advice on reconsidering action taken at a previous meeting. Mr. Spitler was under the assumption that the Council would be taking previously approved money from one organization and giving it to another. However, what was really considered was taking money that was unallocated as a reserve and providing this to an organization. He said that this actually presents a new issue rather than a reconsideration of an old issue. Therefore, Mr. Spitler advised Mayor Presgraves that he would need to cast the deciding vote. Mayor Presgraves said that now that this is a new subject matter he would like an entirely new vote. Mr. Spitler advised Councilman Vickers to again make his motion.

**Motion:** Councilman Vickers motioned to take \$500 from unallocated contributions and award this contribution to the request from the Luray Rescue Squad, Councilwoman Flasch seconded the motion with the following members voting YEA: Council Members Vickers, Flasch, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

Councilwoman Flasch stated that about two weeks ago she was approached by the music teacher at Springfield Elementary School. Ms. Flasch said that the group performed at Ruffner Plaza and had a wonderful time. She said that there was good attendance and asked that Ms. Flasch thank Council Members for this opportunity.

Town Attorney, Jason Spitler, said that he would like to commend the Parks and Recreation Department as he was involved in a tournament at the park this past weekend. He said that everything went well and that the facilities were first class. He added that the event brought many visitors to town as well as involving many local teams.

Councilman Vickers reminded of the upcoming Triathlon and encouraged members to stop by the event. \_\_\_\_\_

With no further business, Mayor Presgraves adjourned the regular session of the Luray Town Council at approximately 8:32pm.

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Barry Presgraves  
Mayor

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Danielle Babb  
Deputy Clerk-Treasurer