

MINUTES OF A TOWN COUNCIL WORK SESSION
TOWN OF LURAY, VIRGINIA
Tuesday, February 24, 2015

The Luray Town Council met in a work session on Tuesday, February 24, 2015 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: 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
Jason Spitler, Town Attorney
Jeff McMillan, Page News and Courier

A quorum being present, Mayor Presgraves led members in the United States Pledge of Allegiance. The roll was called with no members absent. Mayor Presgraves thanked Councilwoman Flasch for her service to the town's citizens and to fellow members of the Council. This meeting is the last for Ms. Flasch as her resignation is effective February 28th. Ms. Flasch expressed her pleasure in working with the Council and Town Staff.

Updates and Discussion Items

Sign Ordinance

Town Planner, Ligon Webb, presented changes to the Sign Ordinance and provided members with a handout summarizing the modifications. The first change is in regards to Feather Banners, which have become a popular type of signage recently. Mr. Webb suggested limiting the amount of banners and requiring a greater lot frontage for the use of these signs. Councilman Lancaster asked how many signs would be permitted within a sample 150ft. of road frontage. Mr. Webb said that the banners would be in addition to existing signage but the business would be limited to a total of 3 signs. Mr. Webb cited several existing town businesses that are utilizing the banners. Councilman Schiro said that he is comfortable with whatever Council chooses on the issue but feels that the feather banners quickly deteriorate in condition and thinks that 2 banners per 50ft. of road frontage is too many. Councilman Vickers recalled that members felt these signs were better suited for a special event held by the business. Mr. Vickers said he is not in favor of any additional visual pollution. Town Manager, Charlie Hoke, said that the Council can choose to eliminate Feather Banners altogether. Council

discussed permitting them for a grand opening or special sale event. Mr. Webb proposed the following language for the ordinance: *“Feather Banner. A vertical portable sign with a fabric sign wrapped around a harpoon-style pole or staff driven into the ground for support. Businesses may utilize feather banners for up to a two week period for a special sales event, grand opening, or closing event provided that prior approval is obtained from the Zoning Administrator. Each banner must be in good condition; banners may not exceed 14 feet in height.”*

Mr. Webb responded to Councilman Schiro’s question from the previous meeting, he doesn’t see any reason that the Board of Zoning Appeals could not serve as the appellate body for issues with the ordinance. Council members also discussed Section 801.7 (Signs Requiring Sign Permit) in regards to special sales events. Members discussed the time period for signage regarding special sales; such displays on a given property for one period not to exceed 45 days within a 12-month period.

The next change was for Sandwich Board Signs and Mr. Webb provided 4 potential options.

- Option 1 (as currently in the Town Code)
- Option 2 (recommended by the Planning Commission) – Permits the use of 2 Sandwich Board signs and the signs may be placed on an adjacent or nearby lot within 350 feet of the business.
- Option 3 (no off premise sandwich board signs)
- Option 4 (potential compromise) – Permits the use of 1 Sandwich Board Sign and the sign may be placed on an adjacent or nearby lot within 350 feet of the business.

Councilman Lancaster recalled that Option 3 was the recommendation from the steering committee. However, he said that the Planning Commission has changed their position on this. Councilman Vickers suggested that he prefers Option 4 and feels that one sandwich board sign with prior approval is important if it keeps the business in operation. Mayor Presgraves asked if members want to change the code from its existing language. Council members concurred with Option 3. Mayor Presgraves said that he would like to see members take action on the topics separately.

Motion: Councilman Lancaster motioned to approve Option #3 regarding Sandwich Board Signs as presented, motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Flasch, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

Motion: Councilman Vickers motioned to approve the revisions for Feather Banners as follows: *“Feather Banner. A vertical portable sign with a fabric sign wrapped around a harpoon-style pole or staff driven into the ground for support. Businesses may utilize feather banners for up to a two week period for a special sales event, grand opening event, or closing event provided that prior approval is obtained from the Zoning Administrator. Each banner must be in good condition; banners may not exceed 14 feet in height”*, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Flasch, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

Other changes to the Sign Ordinance include 801.3- Sign Permit Required and Section 801.4- Special Definitions. Section 801.4 defines Changeable Copy Signs and restricts the flashing or scrolling of electronic signs. Members agreed to adopt the remainder of the changes to the Sign Ordinance as a whole, since the controversial issues were already approved individually.

Motion: Councilman Vickers motioned to approve the remainder of the Sign Ordinance Amendments as presented, motion seconded by Councilwoman Flasch with the vote as follows: YEA: Council Members Vickers, Flasch, Schiro, Lancaster, Sours, Meaney. **Approved 6-0**

Councilman Lancaster suggested that Mr. Webb provide members a copy of the revised ordinance for a final review. Mr. Webb said that he would provide a copy for review before sending the revisions to Municode. Town Attorney, Jason Spidler, said that he has previously proofread the changes.

2015-2016 Budget Update

Town Manager, Charlie Hoke, said that he will review the first draft of expenditures for the upcoming budget and note the percent increases/decreases. Mr. Hoke said that there will be some areas where he will ask for Council's input. The first line item of review was Council contributions. Councilman Schiro said that he would prefer to reserve changes on contributions until members look at anticipated revenues. Mr. Hoke reviewed the departmental budgets for the Town Manager, Treasurer, IT Support, Safety Programs, and Elections. Councilman Schiro and Councilman Sours questioned an increase in IT Repairs. Mr. Hoke attributed this to the need to upgrade some equipment and the frequency of technical issues. Regarding the town's special election in November, there will be a charge to the town for this. The special election will be to fill Ms. Flasch's council seat.

In reviewing the police department's budget there was only a 1% increase overall, however a new vehicle was included in the police-capital outlay budget. Councilman Vickers asked if there would be any cost of living increase for employees. Mr. Hoke said that there have been no increases for employees factored into the draft. Councilman Schiro discussed the budget for part-time police personnel. He considered that we should weigh the cost of multiple part time officers with the cost of one new full time officer. Mayor Presgraves said that the department is currently advertising for a full time officer to fill a vacant position. However, if the applicant is not certified the training period is 18-weeks. Mayor Presgraves said that until a new officer is trained part time officers would be utilized, thus inflating the expense for part time personnel. Mayor Presgraves suggested that the Council should make an appointment to the Chief's position no later than July 1st, which will also be a budget consideration. Mr. Hoke said that there is also potential for several other officers to retire.

Councilman Vickers inquired about the town's capital outlay plan. Mr. Hoke said that he would like to have the department's work on the CIP plan and have them continue with the schedule for their requests each year. Mr. Hoke went on to review the budget for Streets, VDOT Reimbursements, and Refuse. Current year VDOT expenditures are over projections in the Engineering line item. Assistant Town Manager, Bryan Chrisman, said this is due to multiple bridge inspections requested from Schwartz Associates and two small bridge repairs. Councilman Sours inquired about the Main Street – Conduit Project. Mr. Chrisman said that the project has seven more phases to be completed as funds permit. Mayor Presgraves thanked Mr. Chrisman for his diligence on the Main Street Bridge Project. Mayor Presgraves noted that Mr. Chrisman has also led the consolidation of the R.H. Dean Park loan and the Brown's Restaurant loan. Mr. Chrisman said this information will be presented at the March regular meeting. Mr. Hoke went on to review General Properties and General Properties Capital Outlay budgets. The general properties capital outlay budget included provisions for the purchase of a chipper, the replacement of the town office computer server, and phases 4 and 5 of the Main Street conduit project.

Mr. Hoke reviewed the budget for Parks and Recreation and noted an overall reduction of 1.8%. Councilman Schiro raised question about the decrease in Greenway Programs funds. Mr. Hoke said he is uncertain of Mr. O'Brien's reason for the reduction. Mr. Hoke said that the only item eliminated from Mr. O'Brien's budget was the request for an additional full time employee. Mr. Hoke feels that there are no shortfalls in maintenance of the parks and does not see a justification for the request. Councilman Vickers noticed a decrease in Recreation-Special Events funds. Mr. Hoke said that there had been a large donation received for the rack cards. Mayor Presgraves said that some lower cost bands had been obtained for the Concerts on Main series. Council members discussed the increase in communications cost projections. Mr. Hoke said this is for the

WIFI service at Lake Arrowhead. Council members discussed the capital outlay projections for Parks and Recreation and the inclusion of funding for a drainage problem at Lake Arrowhead. The current budget includes capital funding for the purchase of a piece of equipment prior to June 30th.

Mr. Hoke reviewed the budget for Planning and Zoning and for Economic Development. Mr. Hoke said he had included funding in Economic Development for LDI in the amount of \$30,000. He added that Ms. Shifflett on behalf of LDI has requested the remainder of funding for the current fiscal year and will likely make this a formal request at the March meeting. Councilman Lancaster reminded that the town has provided funding in excess of \$400,000 to LDI over the years, not to mention in-kind labor costs. Despite this, Mr. Lancaster and Mr. Hoke both agreed that Ms. Nancy Shifflett has done a wonderful job in revitalizing the board recently. Mr. Hoke furthered that the LDI has been a part of the community for ten years and has great potential. Councilman Lancaster recalled asking for a financial statement from LDI and has not ever received one. He feels it is important to review this information as these are taxpayer funds being spent. Mayor Presgraves asked Councilman Vickers if he would like to continue to serve on the LDI Board on the town's behalf. Mr. Vickers said that he will give another member the opportunity if they would like to do so, otherwise he will gladly continue to serve. Councilman Vickers said that he is excited about the new board members and feels that LDI is making every attempt to fulfill the requests of Council. There is also an increase in Economic Development-Airport Expenses to account for the road relocation grant. Capital Projects in the General Fund show an increase of 35% due to the reserve for the town's share of the Main Street Bridge project. The General Fund debt service has an overall increase of 8% due to the refinancing of the softball project and Brown's building. The CDBG Project Fund shows only minimal expenses for the ongoing loan program.

Mr. Hoke went on to review the expenditures for the Water Fund. Projected expenditures in the water department include the servicing of handheld meter reading devices, locating equipment, new meters and valves, the department's share of a pickup, and other equipment. Council also discussed water loss in the system and steps that are being taken to eliminate these problems. Water Plant Operations expenditures include critical replacement parts that are essential to keeping the plant running. Approximately \$20,000 in funds have been included in capital expenses to upgrade the Water Treatment Plant Scada system. Water fund debt service shows an increase of \$5,000, which is a mandatory annual requirement of the loan.

Sewer Fund expenditures were reviewed and a slight increase was noted to cover the remaining cost of servicing the handheld meter reading devices. Sewer Capital Outlay also includes the funding for locator equipment, the department's share of a pickup truck, aeration diffusers, and Scada upgrades.

Mr. Hoke reminded members that this is a first draft of the budget. He said that a rough projection of Revenues shows approximately a \$386,000 shortfall. Mr. Hoke reminded that the town is responsible for 20% of the bridge project.

Other Items

Councilman Lancaster asked if there had been any contact with Norfolk & Southern regarding the Railroad Crossing. Mr. Lancaster said that the crossing in the area of the fire department has gotten very rough and needs to be looked at. Mr. Hoke said that he has made contact in the past but will do so again in regards to this problem. Councilman Lancaster asked about the repairs to the traffic light at Main and Broad. Mr. Hoke said that he is not aware of any problems with the programming but will check on the progress. Mr. Lancaster also inquired about snow removal and said that town crews have done a good job. However, he said some residents have not cleared their sidewalks. Mr. Hoke said that the procedure is for the Code Enforcement Officer to provide notice to the property owner for the timely removal of snow. A failure to do so, will result in the owner receiving a bill for the charge of snow removal by the town. Councilman Vickers said that he is aware of the

notification process under the code; but, that if the town is going to provide such notification to the owner, it must first clear its own sidewalks. Councilman Lancaster said that there are still some areas of town sidewalk that have not been cleared. Mr. Lancaster also asked if there are still prospective buyers for Brown's Restaurant. Mayor Presgraves confirmed that there are still interested buyers. Councilman Lancaster also inquired about plans to improve the bank along the creek side opposite Brown's restaurant. Mr. Chrisman said that this is included in the planned project.

Draft Policies

Assistant Town Manager, Bryan Chrisman, presented several draft policies for the personnel manual. Mr. Chrisman said that the first draft policy is in regards to Overtime Pay and Compensatory Time, along with the categorization of jobs. Treasurer, Mary Broyles, put together this information based on advice from VML. Deputy Clerk Treasurer, Danielle Babb, put together a draft policy on Other Items Affecting Compensation based on training and information from new IRS regulations. The last policy was put together by Mr. Chrisman, in regards to Use of Town Vehicles and Equipment and the Use of Public Property which was regulated by HB 494 of the Virginia General Assembly. Mr. Chrisman said that also provided for Council members is a copy of the current personnel policy for these items. He asked that members review these items and advise of any questions. Mr. Chrisman said that the proposed changes to the manual include advice from VML to remove the word "permanent" as it relates to employee positions. Mr. Chrisman said that if no members have issue with that, this change can be made administratively. He said that members were not being asked to take action this evening but only to review the proposed changes and that action could be taken at a later meeting.

The current policy as it relates to Overtime Pay and Compensatory Time, implies that an employee could lose unused compensatory time. However, Compensatory Time once earned is just like pay and other leave balances in that it cannot be lost. The time could be carried over from one fiscal year to the next, but says that any accrued would be used prior to annual leave in the following fiscal year. The attempt is to encourage employees to use up any compensatory leave balances before using annual leave. Treasurer, Mary Broyles, explained that compensatory time is earned and cannot be taken away; however, vacation time is a benefit. She said that most employees keep their compensatory time within reason, this is mainly to clarify the personnel manual. Ms. Broyles explained that employees are not likely to lose their vacation time, thus encouraging the use of compensatory time first. Mr. Chrisman explained the designation for Exempt and Non-Exempt employees, and provided a list of Exempt employees under the Fair Labor Standards Act. Mayor Presgraves asked if this would be adopted on or before July 1st. Ms. Broyles said that updating the Personnel Manual is a requirement for receiving the town's discount on its VML Insurance Renewal and would therefore like action at the next possible meeting. Mayor Presgraves and Mr. Chrisman suggested placing this on the March meeting agenda.

The next change is in regards to fringe benefits and the tracking of those benefits. Mr. Chrisman said that tracking these benefits would take a great deal of time and effort; therefore, staff suggests that the proposed standards be adopted in order to eliminate the likelihood of taxable benefits to the employee. The draft policy governs town cell phones, uniform wear, town vehicles, meals, and awards. Mr. Chrisman explained that the likeliest area for taxability is government owned vehicles. Certain vehicles are considered exceptions by the IRS, primarily public safety, specially designed utility vehicles, etc. The last two draft policies concern the use of town vehicles and equipment. The policies are a requirement of House Bill 494 of the Virginia General Assembly to address the use of public property. Mr. Chrisman said that staff will get together and prepare these policies for the March agenda. Mayor Presgraves requested that this be on the March agenda for updates and an action item at the March work session.

Councilman Lancaster reminded that employees should not be using cell phones while operating town owned vehicles. Council and staff suggested sending the occasional reminder to all employees regarding this issue.

Town Attorney

Mayor Presgraves said that there will be an opening on Council beginning February 28th. He stated that the consent of Council members is to advertise to the public in the local newspaper. Council would like to accept resumes for the vacancy and the Council can vote accordingly on an appointment. Town Attorney, Jason Spitler, read aloud the proposed advertisement for interested candidates. Mayor Presgraves asked Mr. Spitler to explain the position of an “appointed” Council member. Mr. Spitler said that an appointee to the council seat may not vote on items appropriating money, imposing tax, or borrowing funds. Mr. Spitler said that these restrictions do not provide for a lot of other business items that can be acted upon. Despite this, the code requires that a member be appointed within 45 days of vacancy. Mr. Spitler said that a special election will be held for the position on November 3, 2015. Mr. Spitler spoke with the County Registrar, Ms. Gaunt, and estimates the cost of the special election to be around \$800. He noted that since this will be held in accordance with a regularly scheduled election, the costs have been drastically reduced. Councilman Sours requested one small change to the advertisement for interested candidates. Members decided to change the wording to “by the Luray Town Council” on the draft advertisement. Ms. Spitler addressed the application deadline of March 6th and said this may be too brief. He stated that he would try to forward to the Page News this evening for tomorrow’s publication if possible.

Adjourn

There being no further business, Mayor Presgraves adjourned the work session of the Town Council at approximately 8:30 pm.

Danielle P. Babb
Deputy Clerk-Treasurer

Barry Presgraves
Mayor