

MINUTES OF A TOWN COUNCIL WORK SESSION
TOWN OF LURAY, VIRGINIA
Tuesday, February 25, 2014

The Luray Town Council met in a work session on Tuesday, February 25, 2014 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: Ronald Vickers
Pam Flasch
Mary Menefee
Leroy Lancaster
Joey Sours
John Meaney**

Also Present:

**Charlie Hoke, Town Manager
Bryan Chrisman, Assistant Town Manager
Mary Broyles, Town Clerk/Treasurer
Danielle Babb, Deputy Clerk Treasurer
Ligon Webb, Town Planner
Jason Spitler, Town Attorney
Page Campbell, Police Chief
Jeff McMillan, Page News and Courier
Liz Lewis, Luray Downtown Initiative
Jared Morris, Lumos Networks**

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

Updates and Discussion Items

Lumos Networks Request – Jared Morris

Mr. Jared Morris, OSP Engineering Supervisor, stated that he has been working with Mr. Hoke and Mr. Chrisman on building a proposed fiber connection from the downtown area to the Farmers and Merchants Bank. He explained that Lumos Networks is based out of Waynesboro and has recently completed some large projects over the past year. In 2013, Lumos completed about 52 miles of network in downtown Richmond. Mr. Morris discussed several different options but feels the best plan is that which is being proposed. This method will utilize existing Century Link conduit, buried facilities, and aerial facilities. There will be minimal impact to the town and if sidewalk areas are affected these will

be removed and replaced in full. The construction will cross some town water and sewer lines and state regulatory laws will be followed where these instances occur.

Councilman Meaney clarified that the goal is to meet the client location. Mr. Morris explained that this is at the request of Farmers and Merchants Bank to obtain service. Councilman Sours asked about other potential benefits to additional customers. Mr. Morris responded that the intent is for business customers only and there will be provisions to add other new customers. Councilwoman Menefee asked about the construction time frame for the project. Mr. Morris said that the time frame would be about 5-7 business days for construction, pending any complications. Lumos plans to begin work once all permits are approved through the railroad as the Mainstreet crossing will be affected. Mr. Hoke said that he feels this is a better plan than in the past and he can put on the March Council Agenda. Councilman Vickers said that he would be willing to make a motion at this time. Mayor Presgraves suggested making this an action item for the March meeting.

Police Department Annual Report

Police Chief Page Campbell thanked those in attendance for the invitation to provide his annual report to members and expressed that it is important to update Council Members with this information. Chief Campbell provided the annual report via power point presentation. He reviewed the department's mission statement, changes in personnel, and calls for service. Total calls for service for 2013 amounted to 2,657. Chief Campbell also discussed recent upgrades to departmental firearms. Other topics of the presentation included use of force, complaint procedures, and uniform crime reporting. Chief Campbell noted a decrease in vandalism, larceny, and assault and battery. Despite this, there is concern for the rise in drug/narcotic offenses. Chief Campbell discussed the increase in drug related cases and noted that nearby localities are seeing an even greater increase in these type incidents. He also reviewed the fleet vehicles for the police department and said that previously no new vehicles had been purchased for a two year period. However, one vehicle recently required replacement; and a new vehicle purchase is included in the upcoming budget request. Chief Campbell thanked Council for their time and responded to questions/comments. Lastly, Chief Campbell confirmed his choice to stay on as Police Chief despite his earlier plans to retire and invited members to stop by the office with concerns as they arise.

Sign Ordinance

Town Planner, Ligon Webb, said that sitting down with everyone working on the changes to the ordinance has been a good process. Mr. Webb reviewed the changes of the ordinance for each section in detail. This first item of review was Section 801.3 and members and staff proposed a change in language and Mr. Webb discussed the definition for Changeable Copy Signs. Mr. Webb discussed Section 801.5 – Prohibited Signs as it applies to Changeable Copy Signs (for institutions other than non-profits) and lighting hazards. Section 801.6 provides regulations for Exempt Signs and changes were highlighted for flags, public/traffic signs, political signs, temporary real estate signs, and auction/sales event signs. Revisions to Section 801.7- Signs Requiring Temporary Sign Permit for special sales signs, temporary seasonal products, and sandwich board signs. Members discussed sandwich board signs and the placement of such. The ordinance revisions restrict the placement, hours, and size of sandwich board signs.

Mr. Webb discussed the issue of sandwich board signs and said that there have been a couple of options on this. One option is to use the revised language as proposed; the second option is to use the current ordinance language, and also an option to add language for enforcement.

He said the issue arose some time ago when a local business owner was determined to have an “off premises” sign rather than a “sandwich board” sign. There have been issues over the past few years with the requirement that the sign be removed daily, thus the need for a solution. Mr. Webb said that opinions may vary on this and he is leaving the decision up to council. Councilwoman Menfee said that she feels the ordinance is fairly written. Councilman Vickers recalled the business owner coming before Council with a great deal of support for the need of an off premise sign. Mr. Webb said that if the ordinance is changed then all business owners would need to come into compliance. Councilwoman Flasch said that she had received a call from the owner expressing concern even with the ordinance as it is currently written. Mayor Presgraves and Council members discussed other sign alternatives and debated the pros and cons of way-finding signage.

Budget Discussion

Town Manager, Charlie Hoke, said that a budget schedule has been provided on Council’s desks this evening and an approved balanced budget must be drafted before April 1st. Mr. Hoke said that if things are moving ahead of schedule then the public hearing can be advertised earlier than scheduled.

Luray High School After Prom

Mr. Hoke advised Council members that a request had been received from the Luray High School After Prom Committee for a contribution. Mr. Hoke said that while this isn’t a non-profit organization; funds are for the after prom event which provides a safe environment and a worthwhile cause. He said that funds are available to support this request and it is highly recommended that members consider this. Councilman Vickers said that there has been great concern about this event and the sponsors are uncertain if the event can be conducted without the town’s support. Mr. Vickers explained that this is a big event for the school and many students will attend. Mr. Hoke agreed that this would benefit the area and this does keep local children safe. He explained that the funding request is for this fiscal year but he would also like to keep this contribution budgeted for the upcoming year. Mayor Presgraves said that Council can act on this item this evening or add it to the March Agenda.

Motion: Councilwoman Flasch motioned to contribute \$1,000 to the Luray High School After Prom Event, motion seconded by Councilman Meaney with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Sours, Meaney. NAY: Lancaster. **Approved 5-1**

Shelter Rental Fees

Town Manager, Charlie Hoke, discussed the town’s current shelter rental fees and provided the current rates. He noted that in 2008, the council voted to increase the shelter fee by \$5.00. Mr. Hoke provided the rental rates for neighboring towns and discussed the annual demand for the town’s shelters. Shelters for the Town of Stanley range between \$40.00- \$60.00. Mr. Hoke said that these rates would be effective July 1st as a part of the town’s fee schedule. Assistant Town Manager, Bryan Chrisman, said

that the town is losing money on shelter rentals with the cost of maintenance and staff time. Council discussed a \$10.00 increase and most members felt that this amount would not be burdensome.

Motion: Councilman Vickers motioned to increase the shelter rental fees by \$10.00 per shelter, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Flasch, Lancaster, Sours, Meaney. NAY: Menefee. **Approved 5-1**

R.H. Dean Park- Rental Property

Mr. Hoke discussed the rental house that is located at the entrance to the Ralph Dean Recreation Park. The property is currently occupied by Mr. Luther Cave Jr. and he is charged \$300 monthly for rent. The home has a well for water service but is connected to the town's sewer system at no cost. According to the town's loan regulations, waiving the charge for sewer is not acceptable. Mr. Hoke is proposing several items, 1) regular inspection of the home for safety purposes, 2) increasing the rent as the charge has not increased for about 15 years, 3) implementing the monthly sewer charge. Mr. Hoke said that Mr. Cave has served as a watchman for the park. Town Attorney, Jason Spitler, stated that a very standard lease agreement would be a good idea and would be necessary to require an annual inspection by the property owner. Council members discussed a potential \$50.00 per month increase in the rental fee.

Motion: Councilman Lancaster motioned to increase the rental property fee to \$350.00 per month and to charge the mandatory \$32.00 sewer fee, motion seconded by Councilwoman Flasch with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney.

Approved 6-0

Assistant Town Manager, Bryan Chrisman, confirmed that this would be effective July 1st, 2014. Mayor Presgraves said that we should also give them reasonable notice of this change. Mr. Spitler suggested the town go ahead with a standard lease agreement. He said that this would allow the town the right to an inspection and would benefit the property owner and tenant alike. He suggested a one-year lease that is automatically renewed in subsequent monthly terms. Mr. Spitler said that he will get some more details from either Mr. Hoke or Mr. Chrisman and provide a draft at the March meeting.

American Legion Tennis Courts

Mr. Hoke advised that the tennis courts are in pretty bad condition despite previous repairs. A few years ago the town spent some money to level the court surface but the contractor could not guarantee the work due to the condition. The contractor recommended a complete reinstallation but the town chose a less expensive option. Mr. Hoke said that the paint looks fine but the leveling surface has become cracked. Mr. Hoke provided three options for Council 1) allow the surface to dry out and reseal, 2) replace the tennis courts as recommended by the contractor, 3) install new tennis courts at the Ralph H. Dean Recreation park. Mr. Hoke said that the current property owner of the tennis courts is unknown. Mr. Spitler said that he can do some work and investigate this. Mr. Chrisman explained his own research and said that at one time the American Legion parcel was divided. The legion maintains that they gifted the courts to the town many years ago. Mr. Chrisman said that no records have been found that the town accepted the gift of the property. He maintained that the town has invested a great deal of money in this property over the years and some transaction must have taken place that was not

recorded. Mr. Spitler said that the most likely scenario is to try to get the American Legion to execute a Quitclaim Deed.

Mr. Hoke stated that he has obtained quotes for installing new tennis courts. The cost for one newly installed tennis court is \$125,000 and for two (side-by-side) courts is \$150,000. These quotes would include the actual courts, fencing, lighting, etc. Councilman Lancaster suggested going with option #1- allowing the courts to dry out and resealing, due to the high cost of replacement. Councilman Sours agreed that a new tennis court is a nice feature but not at this cost. Members agreed to proceed with the least expensive option.

Budget Synopsis

Town Manager, Charlie Hoke, said that a budget synopsis has been provided for council members. He said that the proposed amounts for each department have been included. Mr. Hoke asked that Council not review this draft due to corrections that need to be made. He would like to make corrections and provide another draft in the weekly report to members. He plans to exclude most of the capital outlay and promote the CIP Funding program. Mr. Hoke asked members not to review the draft further until corrections can be made. He said that the departments have been incredibly conservative in their request. Councilwoman Menefee requested a quick list of bulleted points on changes from last year to the upcoming year for the revised draft. Mr. Hoke asked members to keep in mind a 1% cost of living increase for employees and noted that this would approximate to \$24,123 for the upcoming budget. Members and staff also discussed prior year increases for employees to compensate for VRS contribution requirements. Mr. Hoke said members will also need to consider contributions for the upcoming budget and that he will include all agencies that request funding. He furthered that it will be up to council members to determine if they choose to fund the agency.

Councilman Vickers confirmed that Council's goal for the upcoming year is to avoid raising taxes. Mayor Presgraves said that he hopes members will not even entertain the idea of raising taxes. Mayor Presgraves expressed concerns over a lack of increase in revenues and said that the town cannot continue to go to the taxpayer for funding. Councilman Sours said he prefers to see the town work on building a surplus.

Town Attorney's Report

Town Attorney, Jason Spitler, said that he had several items for review this evening. First, he discussed the Petition to Appoint Ms. Inez Myers to the Board of Zoning Appeals and included this for council's information only. Next, he discussed the Petition to Revoke a Pawnbroker License for Tactical Speed Shop. Previously, Chief Campbell and Treasurer, Mary Broyles, received an application for a Pawnbroker's License for Tactical Speed Shop to be the town's first licensed pawn broker. This requires several recommendations and approval by the Circuit Court per the State Code. Also, the State Code requires that a \$50,000 secured bond be posted by the license holder as a condition of their licensure. Mr. Spitler said that apparently the pawnbroker business was not as profitable as forethought and maintaining the necessary bond is too costly. The store owner would prefer to revoke the previous pawnbroker licensure. Mr. Spitler has included this information in council's packet for their information.

Lastly, Mr. Spitler recalled that at the January work session there was some discussion about common problems in the town with nuisances. The one common problem seemed to be the obstruction of right-of-ways by bushes and trees. This led to some discussion of the more common code enforcement issues in the town and the means that the town has to address these problems. There was also some discussion of the cost associated with these problems and the possibility for the town to pass these costs on to the offender. Mr. Spitler said that while it is not entirely a financial issue, it is unfair for the town to pay for something that is an individual property owner's responsibility. Mr. Spitler said he did some research on these issues and found that the town's Nuisance Ordinance is in great need of updating. Many of its provisions have not been redrafted since 1984, while these provisions found in the state code have been revised numerous times since then. Mr. Spitler suggested that all of these matters be categorized under public nuisances to better organize this portion of the town code and that all of these matters be listed within.

Mr. Spitler provided proposed ordinance revisions regarding nuisances, the definitions of such, and associated penalties. He reviewed Chapter 42 of the Town Code and proposed significant revisions. Mr. Spitler said that he would like for Council to consider the proposed amendments and notify him of any other issues that have not been addressed. No action is needed on this at tonight's meeting. He explained Section 42-1 of the code section that generally defines nuisances. Mr. Spitler said that one area that needs to be addressed concerns blighted properties and derelict buildings, which seems to be a topic of discussion for Council every few years. Item 29 of Section 42-1 would address derelict buildings (previously blighted properties that have been brought up to code). This has been an issue for the town at times and if Council wishes he can provide more information on the enforcement of such buildings. Members agreed that they would like hear more information on this and directed counsel to do so. Mr. Spitler would also like to propose revisions to several other ordinances, such as barking dogs and street/sidewalk obstructions. He plans to draft a spreadsheet outlining the changes to these ordinances and would also consider adding this as a reference table to the code. Mr. Spitler presented section 42-2 through 42-8 of the nuisance ordinance and discussed the procedure for notification, action, and recovery of cost if applicable. Changes would also allow the costs incurred by the town would be charged to the responsible party and refusal to pay such bill to the town would permit the treasurer to add this cost to the subject property's tax bill.

Mr. Spitler said that he plans to provide the other discussed ordinance revisions at the next council meeting. He stated that he does not anticipate any further changes to the nuisance ordinance.

Announcements/Adjourn

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

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer