

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

**MONDAY, May 12, 2014**

The Luray Town Council met in regular session on Monday, May 12, 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  
Mary Menefee  
Leroy Lancaster  
Joey Sours  
John Meaney

**Also Present:**

Charlie Hoke, Town Manager  
Bryan Chrisman, Assistant Town Manager  
Danielle Babb, Deputy Clerk Treasurer  
Ligon Webb, Town Planner  
Liz Lewis, Luray Downtown Initiative  
John Robbins, Luray Page County Chamber  
Bill Fisher, Luray Downtown Initiative  
Jason Spitler, Town Attorney  
G.R. Anderson, Luray Police Department  
Jerry Schiro, Council Member-Elect  
Jeff McMillan, Page News & Courier  
Pat Racey, Racey Engineering  
Mike Uram, Page County TRIAD  
Sylvia/Laurel Webb, Willow Street Closure  
Merle Hilscher, United Daughters of the Confederacy  
Frances Yates, United Daughters of the Confederacy

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. Councilman Sours led everyone in reciting the United States Pledge of Allegiance. Mayor Presgraves congratulated newly elected Council members.

**CONSENT AGENDA**

**Motion:** Councilwoman Menefee motioned to approve the Consent Agenda, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

### ***Consent Agenda***

- A) Minutes of Regular Council Meeting - 4-14-14
- B) Minutes of the Council Work Session – 4-29-14
- C) Financial Report – Month Ending April 30, 2014
- D) Accounts payable checks totaling \$226,209.15

### **GENERAL CITIZEN COMMENTS**

#### **Mike Uram, Page County Triad Conference**

Mr. Mike Uram complimented the town on the Festival of Spring. He commended Councilwoman Flasch on her efforts representing the town and spoke on behalf of the recent Page County TRIAD conference. He provided informational packets for Council members to review.

#### **John McCaughan, Luray Middle School- Assistant Principal**

Assistant Principal, John McCaughan, stated that administrators were tasked with making connections with local government officials. Therefore, he stated that he is glad to be in attendance this evening and said that both he and Principal, Kelly Lawton, thank members for continued efforts for the Town of Luray. He said that the Town of Luray is a model rural town with its bold vision for renovations and the Greenway Trail. He complimented the town council on a “job well done”.

### **DEPARTMENTAL REPORTS**

Mayor Presgraves complimented the Parks and Recreation Department on an awesome job on the Festival of Spring and noted that he appreciates their efforts.

### **PLANNING AND ZONING**

Town Planner, Ligon Webb, noted that he had provided a written report and had no further business.

### **TOWN AFFILIATED BOARDS AND COMMISSIONS**

#### **Luray Downtown Initiative**

Mr. Bill Fisher thanked the town for their assistance with the duck race during the Festival of Spring. He noted that the Main Street flower baskets are now up with the assistance of volunteers, such as Nancy Shifflett, and the Luray Garden Club members. Mr. Fisher reviewed some unfinished business for LDI, such as the duck race, the Market Collective, Page Theatre, Bridge Outreach, and more. Mr. Fisher said that LDI raised about \$1100 dollars from the duck race event. Also, the Market Collective is open and doing well with only about one and a half empty vendor spaces remaining. Mr. Fisher said that the grand opening for the market is yet to come. He advised members that the Page Theatre Project is still ongoing and Liz is working on a “crowd funding” website. LDI continues to meet with town staff concerning Main Street Bridge outreach. Mr. Fisher said that LDI is working on the Highway 211 billboard signs and hopes to include some advertising on these to assist with the cost. A meeting was held this week with the Chamber of Commerce staff concerning the Artisans Trail designation. Johns Robbins, Luray Page County Chamber, advised that the next steps for the Artisans Trail committee is to organize a team of volunteer members. Mr. Fisher noted that the owner of

Hawksbill Bicycles is interested in a façade renovation and LDI would like to assist through the Revolving Loan Pool Program. LDI is interested in doing a combined fundraiser with Page Theater. He also mentioned an upcoming Mud Race that will be located near the zip line course on Highway 211 East, he hopes this will bring more visitors to the area for the event. Mr. Fisher said that all of LDI's committee positions are filled except for one member on the design committee. LDI has a new audit requirement from the State concerning grant review procedures. Mr. Fisher is working to lower the cost on this new audit procedure. Mr. Fisher explained LDI's meeting schedules and hopes that his new presentation format will be beneficial to council members.

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

Director, John Robbins, complimented the Festival of Spring and said that he has heard very positive feedback. He noted that recently Luray Caverns received some national media attention, as they appeared on CNN's travel website listed as one of America's most amazing caves. Visitation to the center was up significantly for April 2014 with 1,635 visitors. Mr. Robbins said that the town's staff has been hard at work on the grounds of the Visitor's Center and the facilities look great. The Business Expo/Yard Sale was held on April 26<sup>th</sup> and went fairly well with 650 attendees and 28 vendors. The Chamber has been busy working on its budget for 2014-2015 and is changing its fiscal year to run from July 1<sup>st</sup> – June 30<sup>th</sup>. The Chamber is working to promote various Memorial Day events, especially the VFW Bluegrass festival. Mr. Robbins said that the Chamber continues to meet with the organizers of the Artisans Trail Network to get this effort moving. The Chamber will be awarding scholarships to both Luray High and Page County High School graduates at the upcoming ceremonies. A recent training seminar was held on 'what makes a good website' and was presented by Todd Gardner. Mr. Robbins said that there are many considerations to a 'good' website; especially mobile sites, high resolution photos, copyright issues, and much more. A new member has joined the chamber from the Harrisonburg area; Lantz and Gochenour are a financial planning company and will host an upcoming free seminar. Mr. Robbins said that chamber staff are still fielding questions from merchants regarding the Main Street Bridge closure. Work continues on the depot museum, including the sound system. Mr. Robbins requested that his staff hopes the system will work from a headphones system and his staff has been invited to sit in on the testing.

### **ACTION ITEMS**

#### **Willow Street Block Party (Street Closure) – Sylvia Webb/Laurel Webb**

Miss Sylvia Webb stated that she resides at 410 Mechanic Street and requested that Willow Street be closed on Sunday, May 25<sup>th</sup> for the annual block party from 4:00pm -11:00pm. Miss Laurel Webb, 410 Mechanic Street, told members that this is the 5<sup>th</sup> annual block party and will include kids' activities and music.

**Motion:** Councilman Lancaster motioned to approve the request from Sylvia and Laurel Webb for the street closure for the annual Willow Street Block Party, motion seconded by Councilwoman Flasch with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

#### **United Daughters of the Confederacy- Mrs. Merle Hilscher, 485 Beall Avenue**

Mrs. Merle Hilscher addressed Council Members and said that she is representing the United Daughters of the Confederacy - Chapter 436. She spoke about the recent project by her chapter to repair the Confederate Monument across the street from the Luray Post Office. She said that the renovations were accomplished within a six month time span and estimates were \$2,968 over budget. Mrs. Hilscher thanked the town for their

aid in providing \$1,000 contribution to this overage. She said that the monument is now clean, repaired, and renovation fees have been paid.

Mrs. Hilscher said that in 1918 when the statue was dedicated it was the intention of the committee to also raise money for engraving. She explained that this is known because of the records kept by the secretary/treasurer of the committee during this time period. The records show that the intention was to engrave the names of those from Page County who were loyal confederates and fought in this conflict. Mrs. Hilscher provided several exhibits for Council's review. She noted that the number of names continued to grow and is too large to inscribe on the monument and may contain some inaccuracies in spelling due to the lapse in time. Therefore, the chapter has decided upon a statement that was written by Annie Grayson Lauck and was placed on the program at the 1917 unveiling of the monument. The chapter has chosen this verse to be engraved on the lower panel of the monument facing the Luray Train Depot. A letter of permission has been granted by Ms. Lauck's granddaughter, Ms. Sally Harris. An estimate on the cost and nature of the engraving has been provided and the chapter does have the funding for this project.

Mayor Presgraves acknowledged the fundraising efforts of the chapter and said that the community is also appreciative of this endeavor. He expressed appreciation to the United Daughters of the Confederacy for their willingness to take on this renovation. Mayor Presgraves confirmed that the exhibit provided is what the chapter would like to have permission to engrave on the monument.

Mayor Presgraves asked if there were any further items for discussion. Mrs. Hilscher said that the United Daughters of the Confederacy would also like to install a bench at the monument. She discussed the style that is preferred and explained that this would be purchased by the group. Mr. Hoke said that the bench has been approved in house and that she should contact Mr. O'Brien regarding this project. She said that the purchase of a flag pole was discussed at one time, but that there is no longer an interest in doing so. Also, the ceiling of the monument once held a light but is no longer there. Mrs. Hilscher said that a benefactor would like to purchase a replacement light but she does not have an example at this time. Mr. Hoke said that the power supply is still at this location and this should not be a problem. Mrs. Hilscher also requested a rededication ceremony be held on July 20<sup>th</sup> at 4:00pm at the monument. She said that this would be an open invitation to the community and the group would like to close Virginia Avenue and Campbell Street for the ceremony. Mr. Hoke said that he has discussed this with the Police Chief and he is willing to have the department close the intersection and handle traffic. Lastly, an insurance policy was discussed for the event. Mayor Presgraves said that he feels the town should exempt the group from this. Mr. Hoke explained that the waiver of liability is a standard part of the facility usage form. Ms. Frances Yates said that the monument and the land belong to the town and the UDC is merely hosting the event and the liability should be that of the town. Mayor Presgraves agreed that the town should be the liable party. Town Attorney, Jason Spitler, said that perhaps the town could co-sponsor or co-host the event. Mr. Hoke suggested exempting the rededication ceremony. Ms. Hilscher also briefly discussed the landscaping at the monument and said that Mrs. Frances Menefee, not present, has more details on this plan. Mr. Hoke said that Mr. O'Brien is also aware of the landscaping plans and that a maintenance agreement form will be required for both the landscaping and the bench. Mrs. Hilscher concluded that this is the UDC's wish list and she thanked council members.

Councilman Lancaster suggested that a placard be placed by the monument, similar to the one at the East End Monument as opposed to actually on the monument itself. Councilman Lancaster said he would like to preserve the original integrity of the monument. Councilwoman Menefee countered and said that she feels this honors the original intent of the monument committee. She is in favor of allowing the United Daughters of the Confederacy to place the engraving on the side of the monument as discussed. Councilwoman Flasch agreed and said that she would like to see them follow through on their intentions. Councilman Lancaster appreciated the restoration of the monument but maintained that he was not in favor of the engraving. Councilman Sours

said that these ladies have done a terrific job but he would prefer a placard beside of the monument. He added that this would also leave three remaining sides and would open the possibility for future engraving requests. Councilman Vickers added that it appears the committee has done a great deal of research and that he does not find this intrusive at all.

**Motion:** Councilwoman Menefee motioned to grant the request from the United Daughters of the Confederacy for the engraving on the side of the monument as presented, motion seconded by Councilwoman Flasch with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, NAY: Lancaster, Sours, Meaney, Presgraves. **Denied 4-3**

**Motion:** Councilman Lancaster motioned to permit the closure of Campbell Street and Virginia Avenue for the rededication ceremony, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

Mrs. Merle Hilscher stated that they have decided without the engraving on the monument there would be no need for a rededication ceremony. Therefore, the most recent motion is not needed.

### **Draft Budget Synopsis, Public Hearing Ad**

Town Manager, Charlie Hoke, said that included in the council packets is a draft public hearing notice and budget synopsis. He said that the advertisement will be in the Page News and Courier on May 29<sup>th</sup> and Public Hearing will be held June 9<sup>th</sup> at the Regular Council Meeting. Members will need to vote on the budget at the June 24<sup>th</sup> meeting. Staff recommends approval of the draft budget synopsis and the public hearing advertisement.

**Motion:** Councilman Lancaster motioned to approve the public hearing advertisement and budget synopsis as presented, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

### **Resolution Amendment to the Personal Property Tax Relief**

Mr. Hoke said that members have a copy of the Resolution for Personal Property Tax Relief. He said this is voted on annually and read the resolution aloud for members.

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

### **Interim Financing for the Bridge Project**

Assistant, Town Manager, Bryan Chrisman stated that at the end of the work session meeting members received a packet that contained a proposal from the town's bond counsel. The information from Botkin-Rose PLC also included an estimate of fees. The interim financing is set up to provide funds necessary to work throughout the various phases of the project. Mr. Chrisman stated that this proposal would start the process for RFP's to go out to lending agencies. Mr. Chrisman said that Ms. Carolyn Perry has also provided an estimate on bond counsel fees and these costs would be billed at a rate of actual cost. Mr. Chrisman said the proposal is turn-key and includes planning, ads, hearing guidelines, drafting of RFP's, selection and administration. Mr. Chrisman explained that the town utilized interim financing for its wastewater plant and water treatment plant projects, as well. Councilman Sours and Mr. Chrisman discussed the amount of projected interest cost.

**Motion:** Councilman Sours motioned to accept the concept of Interim Financing and the Perry Proposal, motion seconded by Councilwoman Menefee with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

**Holtzman Sewer Force Main**

Pat Racey, Racey Engineering, thanked members of Council for their time this evening and he referenced a letter from May 8<sup>th</sup>, 2014. The letter outlines concerns of the Council and applicant responses that have arisen from the last work session. Mr. Racey said that he would entertain any questions on these items. He noted that questions have also risen regarding the capacity of a two-inch force main and commented on his firm's findings. The letter also notes that the client will draft a "Developer's Agreement" to be executed by the Holtzman Corporation, Marlow Ford, and the Town of Luray to contractively document these agreements and will work collaboratively to partner with staff to provide solutions.

Councilman Meaney recalled the area of concern being repairs that might be needed in the future. Mr. Racey said that this would be created later as a part of the developer's agreement and is still to come. Councilwoman Menefee asked what action would need to be taken by Council at this time. Mr. Racey said that he is looking for approval of the concept and to continue work on the developer's agreement. He said that some action is needed in order to move forward with the design and development of the property. Mr. Racey and Mr. Chrisman said that a developer's agreement would come back to Council for approval before it is authorized by the town. Councilman Lancaster and Mr. Racey discussed line capacity and future development. Councilman Sours asked if there were any findings on the alleged line under the bypass. Mr. Chrisman said that even if the line were to be located this would not be an option to take in the properties on this side of the highway. Mayor Presgraves suggested that this project be a first step and the town should look at a friendly boundary line adjustment.

Town Manager, Charlie Hoke, said that staff recommends moving forward with this and any liability will be addressed in the developer's agreement. Town Attorney, Jason Spitler, encouraged council members to consider both a developer's agreement and a friendly boundary line adjustment. Mr. Hoke said that it is his understanding that Racey Engineering would like a vote by council this evening. He said that council can alleviate their liability through the developer's agreement and with the associated facility fees.

**Motion:** Councilman Meaney motioned to approve the concept of the Racey Engineering Proposal for the Holtzman Project, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Flasch, Menefee, Lancaster, Sours, Meaney. **Approved 6-0**

**TOWN ATTORNEY'S REPORT**

Town Attorney, Jason Spitler, followed up on information concerning the status of the town's noise ordinance, as many municipalities are revising their ordinance. Mr. Spitler said there are two concepts for noise measurement; the decibel level system and the distance standard. Mr. Spitler also explained that Sheriff Thomas has suggested a uniform countywide ordinance and has offered to purchase the necessary equipment through the county's budget. Also, he has offered to hold the necessary training for such equipment. Mr. Spitler said he is in favor of working with the Page County Sheriff's Office to develop a uniform ordinance. Mr. Spitler said that the county is very early in its discussion on this subject and that no formal action will take place by the Board of Supervisors for at least 60 days, which will allow town staff to discuss this as well. He said that town staff will continue to keep members informed on this topic and no action is needed at this time.

Town Attorney, Jason Spitler, discussed Chapter 74 of the Town Code concerning Streets and Sidewalks. Amendments are provided to Section 74-6, 74-9, 74-12, and 74-15 concerning obstructions and encroachments

on town streets and sidewalks. The revisions also allow the Town Manager to use his discretion to take action for offenses and to remove such obstructions, and then bill the offender. If such costs for these offenses go unpaid, then the charge could be added to the tax bill for such property. Mayor Presgraves asked members if they would like to take action on these revisions at tonight's meeting. Members decided to hold any action and do so at the work session meeting.

Mr. Spitler stated that he would like to review Chapter 74, Section 74-19 of the Town Code concerning the removal of snow and ice from sidewalks. Essentially the revisions provide about a 12-24 hour window for removal depending upon the time the snow/ice event ends. Mr. Spitler said it is more prudent for business owners who are open for business to ensure that their sidewalks are clear for its customers. The revisions also take into consideration if the adjacent street has been cleared by the town. Mr. Spitler said that he does not feel this is a time sensitive issue and that members can wait for any action on these revisions. Councilwoman Menefee said that this issue relates to the previous discussion on street ordinance revisions and could be considered at the same time. Members agreed to review this further at the town's upcoming work session.

**ANNOUNCEMENTS/ADJOURN**

Mayor Presgraves reminded members of the Town of Shenandoah's Memorial Day Parade on May 24th. Members who would like to participate should advise Mayor Presgraves and a time to meet will be arranged. With no further business, Mayor Presgraves adjourned the regular session of the Luray Town Council at approximately 8:54 pm.

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Barry Presgraves  
Mayor

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Danielle Babb  
Deputy Clerk-Treasurer