

**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF LURAY, PAGE COUNTY, VIRGINIA
Monday, December 08, 2008**

The Luray Town Council met in regular session on Monday, December 8, 2008 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: Nancy Shifflett
Lonnie Arrington
Leroy Lancaster
Jerry Schiro
Earl "Rock" Racer

Also Present: Rick Black, Town Manager
Bryan Chrisman, Assistant Town Manager
Jason Spitler, Town Attorney
Mary Broyles, Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Ligon Webb, Town Planner
Page Campbell, Chief of Police
Lynn Mathews, Superintendent of Public Works
Catherine Stewart, Luray Downtown Initiative
Powell Markowitz, Luray-Page County Airport Commission
Luther Johnson, Page News and Courier
Roy Miller, 8 Randolph Road, Luray
Luray High School Band Students
Lee McWhorter, Page County Resident
Dr. Tom Cardman, Director of the Economic Development Authority
Ralph Harlow, Page County Resident

A quorum being present, Mayor Barry Presgraves declared the Council to be in session for the transaction of business. All present stood to recite the United States Pledge of Allegiance.

CONSENT AGENDA

Motion: Councilman Arrington motioned to approve the Consent Agenda, motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Schiro, Racer. **Approved 5-0**

Consent Agenda

- A) *Minutes of November 10, 2008 Regular Council Meeting*
- B) *Financial Report for the period November 1-30, 2008*
- C) *Accounts payable checks totaling \$ 322,369.64*

PUBLIC HEARING

Ntelos: Nonexclusive Franchise Request

Town Manager, Rick Black, explained the public hearing for a nonexclusive franchise request with Ntelos. The request is for a period of five years. Ntelos representative, Mr. Morgan Brown, addressed Council to further explain the request. Mr. Brown stated that the purpose of the request is to build facilities to Page Memorial Hospital. He stated that most Ntelos facilities are built underground where possible. Mr. Brown explained that this service is needed in order for Page Memorial Hospital to utilize high speed data services. Mr. Brown noted that most of the infrastructure needed is already in place as a result of a joint venture with Adelphia. He explained that Ntelos lines would travel down Route 340 and onto Court Street/Court Lane connecting to PMH. Mr. Brown also stated that once a franchise agreement is in place it would be possible for a fiber optic line to be available for the Town Hall and Luray Depot.

Councilman Schiro stated that he would like to see a free fiber optic drop to the Town Hall and Depot included as a part of the agreement. Mr. Brown advised that he would check into this possibility and get back with the Town Manager.

Mayor Presgraves opened the public hearing on this with no citizens present to speak on the issue. With the public hearing closed Councilman Schiro made a motion on the issue. **Motion:** Councilman Schiro motioned to grant a five year nonexclusive franchise agreement with Ntelos contingent upon a free fiber optic drop to town hall and to the depot, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Schiro, Racer. **Approved 5-0**

GENERAL CITIZEN COMMENTS

Anne Reed – Luray High School Band

Miss Anne Reed, President LHS Band, and fellow band members expressed the group's desire to take a trip to an upcoming competition in Myrtle Beach, SC. She stated that the group will need to raise a total of \$12,000 to fund the total cost of the trip. Miss Reed presented Council with handouts explaining the band's fundraising efforts and noted that a total of approximately \$7,000 had been raised to date. Mayor Presgraves explained that the group is requesting a donation of \$500 to help with fundraising efforts. **Motion:** Councilman Arrington motioned to approve a \$500 donation for the band trip, motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Schiro, Racer. **Approved 5-0**

Ralph Harlow – Page County Resident

Mr. Harlow began by complementing the Town Staff on the greenway. He stated that he has received positive feedback from many of his out of town friends.

Mr. Harlow came before Council to dispute taxes owed on a property in the town of Luray. Mr. Harlow stated that he had demolished the structure that was on the property in May 2007. He does not feel that he should be required to pay the taxes for the land improvements portion. Treasurer, Mary Broyles, explained that according to the Town's policy of not prorating, the tax is assessed on property owned as of January 1 of the tax year.

Mayor Presgraves noted that in order to change this policy the code would have to be amended. Town Manager, Rick Black, advised that changing the code would require two public hearings.

Motion: Councilwoman Shifflett motioned to relieve the land improvements portion of the tax bill for Mr. Harlow's property that was demolished in May 2008 for the second half taxes owed, motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Schiro, Racer. **Approved 5-0**

Roy Miller, 8 Randolph Road

Mr. Roy Miller would like to see the community enact a program for Veteran's Day that would offer a free or discounted meal to veterans at local restaurants. He feels that such a program would offer convenience while honoring local veterans.

Lee McWhorter, VFW Post Commander

Mr. McWhorter came before Council to express concerns over the absence of a crosswalk at the Luray Post Office on Broad Street. Mr. McWhorter is concerned over the volume of traffic in this area combined with the number of senior citizens who use parking along Campbell Street.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Catherine Stewart reviewed a busy week for LDI including the Virginia Tourism Commission events, the Town Christmas Parade, Sparkles and Sweets, and other activities in the downtown area.

Airport Commission

Mr. Powell Markowitz noted recent correspondence from Attorney Mark Reed that indicated the availability of funds from the USDA in the first quarter of 2009. Mr. Markowitz stated that the hanger project is on budget, there is one change order request that must be approved at this evenings meeting. Mr. Markowitz reviewed in detail the four items included in the change order and assured that the project will remain within budget.

Councilman Schiro questioned why Mr. Kenneth Painter had recently paid some expenses out of pocket and was later reimbursed. Mr. Schiro questioned why these expenditures did not go through the contractor. Mr. Markowitz replied that this method was used in order to save money on certain aspects of the project. Also, Council questioned why the Town's account at Lowe's was used to charge materials without prior authorization.

Motion: Councilman Schiro motioned to approve the Change Order #2 as presented, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Schiro, Racer. **Approved 5-0**

DEPARTMENTAL REPORTS

POLICE- PUBLIC SAFETY AND EMERGENCY SERVICES COORDINATOR'S REPORT

Chief Campbell reviewed his monthly report with 220 calls for service in the month of November. This brings the total calls year to date to 3,026.

PARKS AND RECREATION

Town Manager, Rick Black, thanked everyone who helped with the Christmas Parade. Mr. Black stated that the departmental report could be found in Council's packet. Mr. Black addressed the issue of safety equipment at the skate park. This question is if the town should recommend or require helmets to be worn. Councilman Lancaster stated that he would like to see helmets required. Town Manger, Rick Black, reminded that if helmets are required then they must be enforced. Town Attorney, Jason Spitler, stated that some localities are fearful of requiring helmets if they do not have the ability to enforce them. Council stated that the Parks and Recreation employees along with the Town Police could enforce these rules. Council's overall consensus on the issue was to require that helmets be worn.

PUBLIC WORKS DEPARTMENT

Lynn Mathews, Superintendant of Public Works, reported that the public works department repaired four water leaks for the month. Also, the department responded to five sewer calls. The department will be making one new water tap this month. Upcoming projects for the Public Works Department will include storm drain cleaning, roadside clean-up, and repairing signs.

WASTEWATER TREATMENT DEPARTMENT

Charlie Hoke, Director of Utilities, noted that all distribution samples came back negative. The foundation is nearing completion at the Water Treatment Plant. Mr. Hoke noted that the building should be up by mid January.

TOWN PLANNER'S REPORT

Town Planner, Ligon Webb, stated that the commission would not be meeting in the month of December. However, for the January meeting there will be two public hearings A) Accessory dwelling units and B) Short term rentals. Mr. Webb explained the concept of accessory dwelling units and the basic assumptions that would be reflected in the town code. Mr. Webb stated that regarding short-term rentals the goal is merely to set guidelines not to prohibit.

Mr. Webb reported updates on the recycling program. Mr. Webb advised that there will be an attendant at the site from 9-12am on Friday's for town businesses to drop off their recyclables.

OLD BUSINESS

Town Manager, Rick Black, stated that he had two brief items for old business. There will be a meeting at 2:00pm on Wednesday, December 10 of the design team for the depot. Also, he stated that earlier today a pre-construction meeting was held for the CDBG façade program- Phase II.

NEW BUSINESS

Page County Strategic Economic Development Plan

Dr. Tom Cardman presented an overview of the Page County Strategic Economic Development Plan. He noted that this is an update from the original document. Dr. Cardman stated that this has been approved by the Page County Economic Development Authority and will now go before the Page County Planning Commission. After those approvals the document will then go before the Page County Board of Supervisors. He reminded that the document is intended to be current for the next five years. Overall the document encompasses where the County wants to be in the next five years and what will be required to achieve these goals.

Luray-Page County Airport

Mayor, Barry Presgraves, reminded Council of the current national economic crisis. He stated that currently the town has been fronting money for the airport with reimbursement to come at a later date. Due to this process, the town's "rainy day" funds are being decreased. Mayor Presgraves reminded that the Council's first responsibility is to the citizens of the town. Due to these circumstances, Mayor Presgraves would like to see the Council adopt a moratorium on any additional spending. Mayor Presgraves stated that this would prohibit the Town from accepting grants, signing contracts, etc. He reminded that this moratorium could be lifted at any time, should Council see fit to do so. Town Manager, Rick Black, stated that this would not affect any items that have been previously approved by the Council. Mayor Presgraves expressed concern that Town not be put into a predicament where it could not afford an emergency situation. Councilman Schiro stated that he felt this was a prudent fiduciary decision until all funds have been reimbursed from the hangar project.

Mr. Powell Markowitz responded by stating that all funds from the Hangar Project will be coming back to the Town once the commission has secured a USDA loan. Mr. Markowitz would like to proceed with land purchases.

Mayor Presgraves stated that given the current economic status he feels that Town spending should be extremely frugal.

Motion: Councilman Racer motioned to enact a Moratorium on the following activities 1) Apply for any additional grants 2) Accept any grants 3) Advertise any "Requests for Proposals" 4) Sign any construction contracts 5) Commit the Town of Luray to any additional financial obligations until all funds have been reimbursed for the Hangar Project, motion seconded by Councilwoman Shifflett with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Schiro, Racer. **Approved 5-0**

Town Manager, Rick Black, reminded Council that the contractor request for payment #6 would need to be approved. **Motion:** Councilman Schiro motioned to approve the Contractor's Payment Request #6 in the amount of \$16,180.53, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Schiro, Racer. **Approved 5-0**

TOWN ATTORNEY

Town Attorney, Jason Spitler, stated that he had seven ordinances that need to be approved. He would like to ask Council to consider adopting them in order for the town to prosecute its own cases and collect the associated fines. Mr. Spitler feels that these seven ordinances are the most prudent but more may follow in the coming months.

- 1) An ordinance enacting section 58-13 and prohibiting assault and battery in the Town of Luray
- 2) An ordinance enacting section 58-14 and prohibiting destruction of property in the Town of Luray
- 3) An ordinance enacting section 58-15 and prohibiting disorderly conduct in the Town of Luray
- 4) An ordinance enacting section 58-16 and prohibiting petit larceny in the Town of Luray

- 5) An ordinance enacting section 58-17 and prohibiting public swearing and intoxication in the Town of Luray
- 6) An ordinance enacting section 58-18 and prohibiting trespassing in the Town of Luray
- 7) An ordinance enacting section 58-19 and prohibiting trespass upon church or school property in the Town of Luray

Motion: Councilman Lancaster motioned to approve the ordinance amendments as presented, motion seconded by Councilwoman Shifflett with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Schiro, Racer. **Approved 5-0**

EXECUTIVE SESSION

Property Acquisition, Section 2.2-3711.A.3

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing Property Acquisition, Section 2.2-3711.A.3. Councilman Racer motioned to recess the regular session and to convene in executive session; Councilwoman Shifflett seconded the motion with the following members voting YEA: Council Members Shifflett, Arrington, Lancaster, Presgraves, and Racer.

Approved 5-0

After reopening the work session, Council agreed that the only item discussed was Property Acquisition during the Executive Session.

MAYOR'S ANNOUNCEMENTS

Mayor Presgraves presented the 2009 Meeting and Holiday Schedule. **Motion:** Councilman Schiro motioned to approve the 2009 Meeting and Holiday schedule as presented, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Shifflett, Arrington, Lancaster, Schiro, Racer. **Approved 5-0**

ADJOURN

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 9:05pm.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer