

**MINUTES OF A TOWN COUNCIL WORK SESSION
TOWN OF LURAY, VIRGINIA
Tuesday, May 24, 2011**

The Luray Town Council met in a work session on Tuesday, April 26, 2011 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
Lonnie Arrington
Mary Menefee
Leroy Lancaster
Earl Racer**

**Also Present: Rick Black, Town Manager
Bryan Chrisman, Assistant Town Manager
Mary Broyles, Treasurer
Jason Spitler, Town Attorney
David Geese, Luray Little League-President
Wayne Hilliard, Luray Little League Representative
Jeffrey Dallas, Luray Little League Representative**

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

Changes or Additions to the Agenda

The roll was called and Town Manager, Rick Black, requested that the Council discuss the Drought Ordinance, a friendly boundary line adjustment, and Greenway matters. Mr. Black also said that Mr. Gene Stewart would be present to discuss FEMA funds.

Capital Improvement Funds

Town Manager, Rick Black, stated that during the town's preliminary audit work he spoke with Mary Earhart concerning the town's plans for a capital improvement fund. Mr. Black said that the goal is to establish these funds for various projects. If money is left over at the end of the fiscal year we can apply them to these accounts.

FEMA Funds

Mayor Presgraves said that there has been some discussion over funds that may or may not have been given to the towns and county from emergency services. Mayor Presgraves welcomed Gene Stewart to speak on behalf of this subject. Mr. Gene Stewart provided Council a copy of documentation on the December 2009 and February 2010 storms. Mr. Stewart discussed the documentation needed to file a

financial burden claim. He stated that he came up with substantial expenditure figures needed to file this claim and a decision was reached to add Page County to the list of “disaster” declared agencies. Mr. Stewart added that his position with Page County Emergency Services was eliminated in May 2010. In July of 2010 Page County was added to the list of eligible places for public assistance. Mr. Stewart said that a meeting should have been held at that time to begin coordinating a FEMA public assistance claim. Mr. Stewart said that he believes that no one ever followed up on this procedure. He believes that Page County was approached many times on why these procedures had not taken place and that no resolution was given on the matter. Mr. Stewart said that he felt it was important that he clarify that his responsibilities were met up until the time of his departure. Mr. Stewart said that the paperwork has never been filed to proceed with this claim. Mayor Presgraves asked if the Council had any possibilities for recourse on this claim. Mr. Stewart said that there was no action possible. Mayor Presgraves thanked Mr. Stewart for his time and for informing Council on these events.

Personal Property Tax Relief

Town Manager, Rick Black, stated that according to the Town Code, Council must approve a resolution on personal property tax relief. All personal vehicles valued at less than \$20,000 will have no taxes assessed on them. Vehicles assessed for more than \$20,000 will have taxes due for the overage amount. Councilwoman Menefee asked what the current rate is for personal property tax. Mr. Black advised that the rate is .40¢ per one hundred. Mr. Black advised Council that they will need to vote on this resolution at the June Council meeting.

Line of Duty Act

Town Manager, Rick Black, advised Council of a new quote for the Line of Duty Act coverage. The new quote from VML for the Line of Duty Act Coverage only covers the Town Police Personnel. Mr. Black said that 14 people would be covered under this policy. Mr. Black said he spoke with Mark Belton today and discussed getting an agreement from Page County saying that the County would be responsible for the fire departments and rescue squads county-wide. The towns would pay a pro-rated share based on the number of service calls during the year. Mr. Black said that the County has received their quote from VACO. Councilman Lancaster asked for clarification on this. Mr. Black responded that the Town of Luray would pay a pro-rated share of the premium based on the number of calls that were within the town on an annual basis. Councilman Lancaster said that he finds this unfair because town citizens pay county taxes as well. Mr. Lancaster said that he feels the County should be responsible for this regardless. Councilman Racer said that he agrees, these organizations serve the entire County and not just the towns. Mayor Presgraves concurred that the town citizens pay the same tax rate as county citizens. Councilwoman Menefee asked what options the Council has on this issue. Town Manager, Rick Black, said that a decision must be made by July 1, 2011. Councilman Vickers asked if not paying a pro-rated amount on behalf of the town is an option. Mayor Presgraves said that it is worth discussing with Page County. Council members agreed for Mr. Black to convey this decision to Mr. Belton on their behalf.

VDOT Inventory

Town Manager, Rick Black, said that this year VDOT is requiring all localities to develop and maintain an inventory of every traffic sign within their boundaries. In addition, a systematic means of replacing

each sign is needed in order to meet VDOT's new sign standard. Mr. Black said that our JMU intern, Mr. Chase Suddith, will be working on this program. He is making a video record of every traffic sign in the town. A spreadsheet designed by Valley Automation and Assistant Town Manager, Bryan Chrisman, will allow this program to be completed on time. Mr. Chrisman said that this plan must be completed by January of 2012 and the traffic signs must be completed by 2015. Currently the only signs that are exempt are street name signs and parking signs, those are delayed until 2018. Mayor Presgraves thanked Mr. Chase Suddith for taking on this project on behalf of the town.

Town Planner Report

Town Manager, Rick Black, stated that Ligon Webb is on vacation so he will be providing this report. Mr. Black said that a public hearing has been scheduled to discuss electronic offices, home occupations, and professional offices. Mr. Black said that currently the Town Code has some conflicting descriptions on these definitions.

Town Manager, Rick Black, informed Council that Mr. Baxter and Mr. McKee visited the Town on Friday, May 20th to talk about the monuments. He said that the monument at the East Luray Shopping Center was the focus and that the group will be getting back to him on the cost of rebuilding the structure. The monument will need to be disassembled and rebuilt. Councilwoman Menefee suggested removing some of the trees surrounding the monument to avoid them affecting the base of the structure. Mr. Black said that prior repairs have actually harmed the monument. Councilman Racer also voiced his concerns on the condition of the monument.

Mr. Black said that a meeting will be scheduled with VDOT soon on the Six- Year Improvement Plan. Mr. Black said that currently all of the Town's funds are focused on the Leaksville Road Improvement Project. Mr. Chrisman reminded that the project area includes about 500 feet on Leaksville Road, a significant portion of West Main Street to Northcott Drive, Northcott Drive, and a portion of Cave Hill Road.

Mr. Black discussed work that is ongoing to improve the Town's website. The information will include any public notices that have been provided to citizens, and a year's worth of historical information available. Mr. Black said that Councilman Vickers has volunteered to assist on the project.

Mr. Black said he also hopes to work toward a paperless meeting agenda in the future.

Mr. Black recalled that at some point the town's code addressed livestock. Mr. Black said that currently the code only addresses that livestock be maintained in a safe and healthy manner. Councilman Arrington recalled this being in the code at some point also. Mr. Black said the Planning Commission is going to begin looking at this matter. Mayor Presgraves also suggested that revisions be made to the Town's Noise Ordinance.

Mr. Black stated that the Town has control of the Allegheny parking lot. Mr. Black said that he has received word from the Police Department that the parking lot has become quite the gathering place. Mr. Black suggested signs be erected similar to those at the East Luray Shopping Center parking lot. Mr. Black also advised of some vandalism on Phase IV and suggested adding some lighting to this area.

Council and Staff also discussed adding a security camera. Councilman Racer suggested adding some police presence to this area.

Announcements

Mayor Presgraves reminded Council of the Memorial Day Parade for the Town of Shenandoah on Saturday. Councilman Vickers announced that the Habitat for Humanity Ceremony will be held on June 18th and that Council will be invited. He advised that future housing is also planned.

Town Attorney Report

Town Attorney, Jason Spitler, said that Mr. Chrisman is providing Council with a copy of his Drought/Low Water Supply Ordinance, Enforcement Penalties Document, and Fee Schedule. Mr. Spitler said that no significant changes have been made and that Mr. Chrisman has been working hard to ensure that the Town is conformant with the regional plan. Mr. Spitler said that he has been working to be sure that the town is in conformance with the state code. He said that all looks good with these documents; however he would like to add one sentence on the enforcement document. Mr. Spitler said that this addition deals with repeat offenders. Mr. Spitler said that with this change, he and Mr. Chrisman are prepared to ask Council for the adoption of this ordinance at the next regular meeting.

Mr. Spitler said that he has been working with Mr. Black and Mr. Chrisman to prepare a concession stand lease agreement not only for Luray Little League but for any local group that would want to use the concession facilities at the park. Mr. Spitler said he believes that town staff is satisfied with the document. Mr. Spitler said that it is his impression that the Little League may request a few minor changes to the agreement. Councilwoman Menefee asked about the renewal of the agreement and if the lease should automatically renew each year or if the terms should be considered on an annual basis. Mr. Spitler said that the lease only renews automatically if all of the terms of the agreement have been met. He advised that the lease goes on to provide that either party may terminate the lease without cause with written notice thirty days prior to the end of the term. Councilwoman Menefee asked how this would work while still allowing other parties to use the facilities. Mr. Spitler said that the terms of the lease are for non-exclusive rights. He clarified that their rights do not exclude the rights of others to use the facilities but that the dates of usage would be considered. Councilman Vickers clarified that there could be more than one lease in effect at the same time. Councilwoman Menefee expressed that for this reason, the language of the document should not include the automatic renewal terms. Mr. Spitler clarified that the lease agreement only pertains to the concessions. Councilman Vickers asked who verifies the checklist. Mr. Spitler said that he presumes it would be Mr. O'Brien on behalf of the Town of Luray and Mr. Geese on behalf of the league.

Mr. Spitler also requested to discuss friendly boundary line adjustments. Town Manager, Rick Black, advised Council members that there are currently three properties to consider for a friendly boundary line adjustment. Those parcels are the Ramsey property, Baker Development, and the Ralph H. Dean Recreation Park. Mr. Black spoke with Mr. Belton and he suggested doing all of these adjustments at the same time. This would require a joint meeting and one public hearing could be held. Mr. Spitler agreed with this information and said that he would need to petition the Circuit Court on the matter. Mr. Black reminded that the Baker Development Property is not yet ready to have a boundary line adjustment. Councilman Lancaster expressed his concern over allowing friendly boundary line

adjustments. Mr. Black reminded Council members that one of these properties is the recreation park. Mr. Black also advised that these areas are developments that would require that the developer's proffer statement include the installation of utilities within the development.

Luray Little League

Mayor Presgraves welcomed Mr. David Geese to speak on behalf of the Luray Little League. Mr. Geese stated that he was present at the meeting to provide Council with a check for \$17,000. Mr. Geese provided the reimbursement funds to Mr. Black. Mr. Black advised that he would see that a receipt was provided from the Town Treasurer. Mayor Presgraves asked Mr. Geese for his thoughts on the lease agreement. Mr. Geese advised Council members that he only received a draft of the agreement a few minutes ago, so he would need time to review the document. Mr. Geese informed Council that the league board met about two weeks ago and agreed in principal to the language of the lease in regards to a 10% portion of the gross profit being provided to the Town. Mr. Geese said that the league board will need to approve this lease agreement. Mr. Spitler thought that he had provided this to Mr. Geese previously, but said that he may not have. Mr. Geese said that the next board meeting of the league will be on June 5th. Councilwoman Menefee expressed concern over the league approving the lease. Mr. Geese said that he does not feel that the percentage will be a problem for the board, but perhaps the language of the agreement. Mayor Presgraves advised that Council would vote on the agreement at the June 13th Council Meeting. Mayor Presgraves said that Mr. Geese should ask his board to review the document and then get back with Council and staff.

Councilwoman Menefee asked Mr. Geese how things were going with the league. Mr. Geese advised that the weather has caused games to be behind and thus has caused concession revenues to also be behind. Mr. Geese said that turnout at the park has been extremely low even on Friday nights. Councilman Lancaster said that when games are rescheduled due to inclement weather this can also cause a decrease in attendance. Mr. Geese said that attendance is also low on Saturdays. He advised that with the new fields many more games can be played at one time and less time is spent at the park, resulting in lower concession sales. Mayor Presgraves recalled that a community event needs to be held to allow local businesses an opportunity to bid on the field naming rights. He said that the league needs to find a creative way to allow for this bidding process. Mr. Geese recalled that at the last meeting someone from Council or Staff suggested that those funds not go to the league. Mr. Geese said that the problem with this is that the league's constitution states that those funds must go through the league's treasury accounts. Councilman Lancaster questioned if any portion of this would be paid to the international league. Mr. Geese replied that only the charter and insurance fees are paid to the international league funds. He added that on some occasions funds must be paid to the district league treasury. Mayor Presgraves emphasized that he is concerned that those interested in bidding on these naming rights are going to lose interest. He said that perhaps before these tournaments begin, this concept should be pursued. Mayor Presgraves and Council concurred that it is fine for those funds to go through the league so long as no others take a cut of the funds. Mayor Presgraves said that this was a part of the commitment that was made prior to Mr. Geese coming on board. Mr. Geese said that he will have to find someone to be in charge of this in terms of marketing. Town Manager, Rick Black, suggested involving the Chamber of Commerce to assist in this marketing concept. Staff discussed perhaps a business after hours event could help facilitate this idea. Mr. Geese reminded that anything affiliated with the league must be a non-alcoholic event. Council and staff confirmed that they are aware of this.

Mr. Spitler said that the Luray Little League has passed a resolution by majority of its board to essentially impose or enforce a policy of no tobacco, no alcohol, and drug free area. This is in accordance with Little League International's rule book. Mr. Spitler said that enforcement from the league's standpoint is very difficult. A request to the Town Council was to designate a smoking area. Previously, an area was designated during tournaments but only during that time. Mr. Geese said that the problem is with the enforcement of the league's rules. Town staff recalled that the Town implemented the smoking areas during the previous year's tournaments. Councilman Arrington asked why a resolution could not be passed by Council to make the entire park "tobacco free". Councilman Racer said that this is the right of citizens to be able to do this. Councilman Arrington revised his comment and said that this may be a bad idea. Mr. Geese only asked that some signage be placed for "no-smoking" in the seating areas or near the fields. Mr. Arrington said that this is a problem because cigarette tax revenues have helped to pay for the park improvements. Mr. Spitler stated that it is his opinion that it would be best that a designated area be set aside for smoking. Mayor Presgraves suggested that the league get together and come up with a recommendation for Council to consider. He advised that Council will meet in regular session on June 13th and could consider this at that time.

Council members thanked Mr. Geese for his time and for the reimbursement check from the league.

Councilman Lancaster said that he is bothered by the concern over smoking areas when illegal substances are being purchased in other public areas of town. Councilman Racer expressed concern over designating one area for smoking. Councilman Vickers said he is concerned for the use of foul language.

Adjourn

There being no further business, Mayor Presgraves adjourned the work session of the Town Council at approximately 7:00 pm.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer